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No. 3] NEW DELHI, JANUARY 13—JANUARY 19, 2019, SATURDAY/PAUSA 23—PAUSA 29, 1940

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 5 नवम्बर, 2018

का.आ. 84.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क आयुक्तालय, भोपाल तथा इसके निम्नलिखित अधीनस्थ प्रभागीय कार्यालयों जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :-

केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क आयुक्तालय, भोपाल और निम्नलिखित अधीनस्थ प्रभागीय कार्यालय

- 1) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- I, भोपाल
- 2) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- II, भोपाल

- 3) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- III, भोपाल
- 4) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- IV, भोपाल
- 5) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- I, ग्वालियर
- 6) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- II, ग्वालियर
- 7) केंद्रीय माल एवं सेवाकर तथा केंद्रीय उत्पाद शुल्क प्रभाग- सागर

[फा. सं. ई-11017/3/2017- हिन्दी-2 डीओआर डीओआर]

डॉ. सतीश चन्द्र, संयुक्त निदेशक (राजभाषा)

MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 5th November, 2018

S.O. 84.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the central government, hereby notifies Office of the Principal Commissioner of CGST & Central Excise, Bhopal & Its attached divisional offices under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi :—

Office of the Principal Commissioner of CGST & Central Excise, Bhopal & Its following attached divisional offices :

- 1) Central GST & Central Excise Division- I, Bhopal
- 2) Central GST & Central Excise Division- II, Bhopal
- 3) Central GST & Central Excise Division- III, Bhopal
- 4) Central GST & Central Excise Division- IV, Bhopal
- 5) Central GST & Central Excise Division- I, Gwalior
- 6) Central GST & Central Excise Division- II, Gwalior
- 7) Central GST & Central Excise Division- Sagar

[F. No. E-11017/3/2017-Hindi-II DOR DOR]

DR. SATISH CHANDRA, Jt. Director (OL)

नई दिल्ली, 5 नवम्बर, 2018

का.आ. 85.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन निम्नलिखित कार्यालयों जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

- 1) कार्यालय आयुक्त, सीमा शुल्क, इंदौर।
- 2) आयुक्तालय केंद्रीय माल एवं सेवाकर, दिल्ली पूर्व।
- 3) केंद्रीय माल एवं सेवाकर आयुक्तालय, गुरुग्राम।

[फा. सं. ई-11017/3/2017- हिन्दी-2 डीओआर डीओआर]

डॉ. सतीश चन्द्र, संयुक्त निदेशक (राजभाषा)

New Delhi, the 5th November, 2018

S.O. 85.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the central government, hereby notifies the following Offices under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi :—

- 1) Office of the Commissioner, Customs, Indore.
- 2) Central GST Commissionerate, Delhi East.
- 3) Central GST Commissionerate, Gurugram.

[F.No. E-11017/3/2017-Hindi-II DOR DOR]

DR. SATISH CHANDRA, Jt. Director (OL)

नई दिल्ली, 7 दिसम्बर, 2018

का.आ. 86.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन निम्नलिखित कार्यालयों जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है :—

- (1) कार्यालय आयुक्त, केन्द्रीय माल एवं सेवाकर (अपील्स), नोएडा।
- (2) केन्द्रीय माल एवं सेवा कर आयुक्तालय, राजकोट।

[फा. सं. ई-11017/3/2017- हिन्दी-2 डीओआर डीओआर]

डॉ. सतीश चन्द्र, संयुक्त निदेशक (राजभाषा)

New Delhi, the 7th December, 2018

S.O.86.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the central government, hereby notifies the following Offices under the department of Revenue, where more than 80% staff have acquired the working knowledge of Hindi :-

- 1) Office of the Commissioner, Central Goods & Services Tax (Appeals), Noida.
- 2) Central GST Commissionerate, Rajkot.

[F. No. E-11017/3/2017-Hindi-II DOR DOR]

DR. SATISH CHANDRA, Jt. Director (OL)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 26 दिसम्बर, 2018

का. आ. 87.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, केनरा बैंक की कार्यपालक निदेशक, सुश्री पी. वी. भारती (जन्म तिथि 22.3.1960) को दिनांक 1.2.2019 को या उसके बाद कार्यभार ग्रहण करने की तारीख से और अधिवर्षिता की आयु प्राप्त करने की तारीख (31.3.2020) तक अथवा अगले आदेशों तक, जो भी पहले हो, कार्पोरेशन बैंक में प्रबंध निदेशक एवं मुख्य कार्यकारी अधिकारी के पद पर नियुक्त करती है।

[फा. सं. 4/2/2018-बीओ-1]

ज्ञानोत्तोष राय, अवर सचिव

New Delhi, the 26th December, 2018

S. O. 87.—In exercise of powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, Central Government hereby appoints Ms. P. V. Bharathi (DoB: 22.3.1960), Executive Director, Canara Bank as Managing Director and Chief Executive Officer in Corporation Bank with effect from the date of assumption of office on or after 1.2.2019 and up to the date of her attaining the age of superannuation (31.3.2020), or until further orders, whichever is earlier.

[F. No. 4/2/2018-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2018

का. आ. 88.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, सेन्ट्रल बैंक आफ इंडिया के महाप्रबंधक, श्री बिरुपक्ष मिश्रा (जन्म तिथि 26.1.1961) को कार्यभार ग्रहण करने की तारीख से दिनांक 31.1.2021 तक अर्थात् अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, कार्पोरेशन बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5/2017-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th December, 2018

S. O. 88.—In exercise of powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, Central Government hereby appoints Shri Birupaksha Mishra (DoB: 26.1.1961), General Manager, Central Bank of India as Executive Director in Corporation Bank with effect from the date of his taking over charge of the post and up to 31.1.2021, i.e., the date of his attaining the age of superannuation, or until further orders, whichever is earlier.

[F. No. 4/5/2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2018

का. आ. 89.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, कार्पोरेशन बैंक के महाप्रबंधक, श्री बालकृष्ण अलसे एस. (जन्म तिथि 3.4.1960) को कार्यभार ग्रहण करने की तारीख से दिनांक 30.4.2020 तक अर्थात् अधिवर्षिता की आयु प्राप्त करने की तारीख तक अथवा अगले आदेशों तक, जो भी पहले हो, ओरियंटल बैंक आफ कामर्स में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5/2017-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th December, 2018

S. O. 89.—In exercise of powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, Central Government hereby appoints Shri Balakrishna Alse S. (DoB: 3.4.1960), General Manager, Corporation Bank as Executive Director in Oriental Bank of Commerce with effect from the date of his taking over charge of the post and up to 30.4.2020, i.e., the date of his attaining the age of superannuation, or until further orders, whichever is earlier.

[F. No. 4/5/2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 दिसम्बर, 2018

का. आ. 90.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार, एतद्वारा, कॉर्पोरेशन बैंक के महाप्रबंधक, श्री के. रामाचन्द्रन (जन्म तिथि 7.6.1961) को कार्यभार ग्रहण करने की तारीख से अधिवर्षिता की आयु प्राप्त करने की तारीख (30.6.2021) तक अथवा अगले आदेशों तक, जो भी पहले हो, इलाहाबाद बैंक में कार्यपालक निदेशक के पद पर नियुक्त करती है।

[फा. सं. 4/5/2018-बीओ-I]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th December, 2018

S. O. 90.—In exercise of the powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, Central Government hereby appoints Shri K. Ramachandran (DoB: 7.6.1961), General Manager, Corporation Bank as Executive Director in Allahabad Bank with effect from the date of assumption of office and up to the date of his attaining the age of superannuation (30.6.2021), or until further orders, whichever is earlier.

[F. No. 4/5/2018-BO.I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 27 दिसम्बर, 2018

का. आ. 91.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970 के पैराग्राफ 11 के उप-पैराग्राफ (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह एतद्वारा जनसाधारण की सूचना के लिए अधिसूचित किया जाता है कि केन्द्रीय सरकार ने दिनांक 15.11.2018 से इण्डियन ओवरसीज बैंक के निदेशक मंडल में अंशकालिक गैर-सरकारी निदेशक के रूप में श्री शिवरमन अनंत नारायण द्वारा दिए गए त्याग-पत्र को स्वीकार कर लिया है।

[फा. सं. 6/9/2017-बीओ-I]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 27th December, 2018

S.O. 91.—In exercise of the powers conferred by sub-paragraph (2) of paragraph 11 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, it is hereby notified for public information that the Central Government has accepted the resignation tendered by Shri Sivaraman Anant Narayan as part-time non-official Director on the Board of Directors of Indian Overseas Bank, with effect from 15.11.2018.

[F. No. 6/9/2017-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 31 दिसम्बर, 2018

का. आ. 92.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1980 के पैरा 8 के उप-पैरा (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उप-धारा (3) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, विजया बैंक के कार्यपालक निदेशक, श्री नागेश्वर राव वाई. (जन्म तिथि 12.7.1961) के कार्यकाल को दिनांक 22.1.2019 से एक वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बढ़ाती है।

[फा.सं. 4/5/2015-बीओ-I]

एस. आर. मेहर, उप सचिव

New Delhi, the 31st December, 2018

S.O. 92.—In exercise of powers conferred by clause (a) of sub-section (3) of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-paragraph (1) of paragraph 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, Central Government hereby extends the term of office of Shri Nageswara Rao Y. (date of birth: 12.7.1961), Executive Director, Vijaya Bank for a period of one year with effect from 22.1.2019, or until further orders, whichever is earlier.

[F. No. 4/5/2015-BO-I]

S. R. MEHAR, Dy. Secy.

कृषि एवं किसान कल्याण मंत्रालय

(कृषि, सहकारिता एवं किसान कल्याण विभाग)

नई दिल्ली, 27 दिसम्बर, 2018

का.आ. 93.—बहु-राज्य सहकारी समिति नियमावली, 2002 के नियम 31 के उपनियम (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा, कृषि एवं किसान कल्याण मंत्रालय, कृषि, सहकारिता एवं किसान कल्याण विभाग, भारत सरकार में अपर सचिव के पद पर कार्यरत, सुश्री वसुधा मिश्रा, भा.प्र.से., (टीजी:87) को बहु-राज्य सहकारी समिति अधिनियम, 2002 की धारा 99 की उपधारा (2) के प्रयोजनार्थ अपीलीय प्राधिकारी के रूप में नियुक्त करती है।

[सं. एल-11012/2/2003-एल एंड एम]

हर्ष प्रकाश, अवर सचिव

MINISTRY OF AGRICULTURE AND FARMERS' WELFARE

(Department of Agriculture, Cooperation and Farmers' Welfare)

New Delhi, the 27th December, 2018

S. O. 93.—In exercise of the powers conferred vide sub-rule (a) of Rule 31 of Multi State Cooperative Societies Rules, 2002, the Central Government hereby appoints Ms. Vasudha Mishra, IAS, (TG:87), Additional Secretary to the Government of India, Ministry of Agriculture and Farmers' Welfare, Department of Agriculture, Cooperation and Farmers' Welfare as the Appellate Authority for the purpose of sub-section (2) of Section 99 of the Multi State Cooperative Societies Act, 2002.

[No. L-11012/2/2003-L&M]

HARSH PARAKASH, Under Secy.

नई दिल्ली, 11 जनवरी, 2019

का.आ. 94.—केंद्रीय सरकार, सरकारी स्थान (अप्राधिकृत अधिभोगियों की बेदखली) अधिनियम 1971 (1971 का 40) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और अधिसूचना सं. का.आ. 1800 तारीख 19 अगस्त 2016 को सिवाय उन बातों के जिनको ऐसे अधिक्रमण से पूर्व किया गया है या करने का लोप किया गया, अधिक्रांत करते हुए नीचे सारणी के स्तम्भ (1) में वर्णित अधिकारी, जो भारत सरकार का राजपत्रित अधिकारी है, को उक्त अधिनियम के प्रयोजनों के लिए सम्पदा अधिकारी नियुक्त करती है, जो उक्त अधिनियम के अधीन उक्त सारणी के स्तम्भ (2) में विनिर्दिष्ट सरकारी स्थानों के संबंध में अधिकारिता की स्थानीय सीमाओं के भीतर संपदा अधिकारी को प्रदत्त शक्तियों का प्रयोग करेगा और उसे अधिरोपित कर्तव्यों का पालन करेगा।

सारणी

अधिकारी का पदनाम	सरकारी स्थान का प्रवर्ग और स्थानीय सीमाओं की अधिकारिता
नीरज सचदेवा उप निदेशक प्रशासन, लेडी हार्डिंग मेडिकल कॉलेज और सह अस्पताल, नई दिल्ली-01	1. लेडी हार्डिंग मेडिकल कॉलेज और सह अस्पताल, नई दिल्ली के सभी आवासीय यूनिटों जैसे बंगले, फ्लैट, क्वार्टर, हॉस्टल आवास, अपूरटेनेंट यूनिटें, जैसे गैरेज, सरवेंट क्वार्टर आदि
	2. पी. के. रोड, नई दिल्ली टाइप – 4, क्वार्टर संख्या 001-006, 101-108, 201-208, 301-308, नव निर्मित,
	3. पी. के. रोड, नई दिल्ली टाइप – 3, क्वार्टर संख्या 31-60, नव निर्मित,
	4. श्री निवास पुरी, नई दिल्ली, टाइप –IV ब्लॉक संख्या 16, क्वार्टर संख्या 001, 201, 301, 401, 501, 602, और ब्लॉक संख्या 15, क्वार्टर संख्या 101, 201, 202, 301.
	5. श्री निवास पुरी, नई दिल्ली, टाइप –III ब्लॉक 17 , क्वार्टर संख्या 01, 101, 201, 301, 401, ब्लॉक संख्या 18 , क्वार्टर संख्या 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, ब्लॉक संख्या 19 , क्वार्टर संख्या 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, 602, 603, 701, 702, 703, ब्लॉक संख्या 20 , क्वार्टर संख्या 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, 602, 603, 701, 702, 703, ब्लॉक संख्या 21 , क्वार्टर संख्या 01, और 101.
	6. श्री निवास पुरी, नई दिल्ली, टाइप –III (केवल कलावती बाल सरन अस्पताल के लिए) ब्लॉक 21 , क्वार्टर संख्या 02, 03, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, ब्लॉक 22 , क्वार्टर संख्या 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, 602, 603, 701, 702, 703.
	7. टेलीग्राफ स्कावयर, नई दिल्ली टाइप –III क्वार्टर संख्या 01, 04, 06, 08, 10, 12, 13, 33, 35.
	8. टेलीग्राफ ट्रैफिक प्लेस, टाइप –III, क्वार्टर संख्या 01, 03, 05, 06, 08.

	9. टेलीग्राफ ट्रैफिक प्लेस, नई दिल्ली, टाइप –III क्वार्टर संख्या 12, 13, 14, 15, 17.
	10. फोछ स्कावयर, नई दिल्ली, टाइप –III क्वार्टर संख्या ई-63
	11. राजा बाजार, नई दिल्ली, टाइप –III क्वार्टर संख्या 24ए, 24बी, 24सी, 24डी, 24ई, 24एफ.
	12. पी. के. रोड, नई दिल्ली टाइप – III, ब्लॉक 1 , क्वार्टर संख्या 01 से 15, ब्लॉक 2 , क्वार्टर संख्या 16 से 30.
	13. पी. के. रोड, नई दिल्ली टाइप – II, ब्लॉक 1 , क्वार्टर संख्या से 01 से 15, ब्लॉक 2 , क्वार्टर संख्या 16 से 30.
	14. नानक पूरा, नई दिल्ली, टाइप –II क्वार्टर संख्या ई-22ए, ई-25, ई-25ए ई-26, ई-28, ई-29, ई-30ए, ई-31ए, ई-34, ई-39ए.
	15. मिन्दो रोड, नई दिल्ली, टाइप – II क्वार्टर संख्या 01, 08, 17, 28, 35, 36, 37, 40, 41, 44, 47, 53, 54, 55 और 60.
	16. पी के रोड, नई दिल्ली, टाइप -1, ब्लॉक 112 , क्वार्टर संख्या 1 से 112
	17. पी के रोड, नई दिल्ली, टाइप -1, ब्लॉक 45 , क्वार्टर संख्या 113 से 157
	18. पी के रोड, नई दिल्ली, टाइप -1, ब्लॉक 85 , क्वार्टर संख्या 120 से 127, 133 से 139, 265 से 309

[फा. सं. वी. 21020/21/2015-एच-II]

जी. पी. सामन्ता, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARENew Delhi, the 11th January, 2019

S.O. 94.—In exercise of the powers conferred by section 3 of the Public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), and in supersession of the notification number S.O. 1800, dated 19th August, 2016, except as respects things done or omitted to be done before such supersession, the Central Government hereby appoints the officer mentioned in column (1) of the Table below, being a Gazetted officer of the Government of India to be Estate Officer for the purposes of the said Act, who shall exercise the powers conferred and perform the duties imposed on an Estate Officer by or under the said Act, within the local limits of his jurisdiction in respect of the public premises specified in column (2) of the said table.

TABLE

Designation of officer (1)	Categories of Public Premises and local limits of jurisdiction (2)
Sh. Neeraj Sachdeva, Deputy Director Administration, Lady Hardinge Medical College and Associated Hospitals, New Delhi.	1. All residential units like bungalows, flats, quarters, hostel accommodation, appurtenant units like garages, servants quarters, etc., of Lady Hardinge Medical College and Associated Hospitals, New Delhi.
	2. P.K. Road, New Delhi. Type-IV, Quarter Numbers 001-006, 101-108, 201-208, 301-308, newly constructed,.
	3. P.K. Road, New Delhi Type-III, Quarter Numbers 31-60, newly constructed,.
	4. Sri Niwas Puri, New Delhi. Type-IV Block No. 16 , Quarter Numbers 001, 101, 201, 301, 401, 501 and 602; Block No. 15 , Qtr No. 101, 201, 202 and 301.
	5. Sri Niwas Puri, Type-III Block 17 , Quarter Numbers 01, 101, 201, 301 and 401; Block No. 18 , Quarter Numbers 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302 and 303,

	401, 402 and 403; Block No. 19 , Quarter Numbers 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, 602, 603, 701, 702 and 703; Block No. 20 , Quarter Numbers 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, 602, 603, 701, 702 and 703; Block No. 21 , Quarter Numbers 01 and 101.
	6. Sri Niwas Puri, Type-III(only for Kalawati Saran Children Hospital) Block No. 21 , Quarter Numbers 02, 03, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 503 and 601; Block No. 22 Quarter Numbers 01, 02, 03, 101, 102, 103, 201, 202, 203, 301, 302, 303, 401, 402, 403, 501, 502, 503, 601, 602, 603, 701, 702 and 703.
	7. Telegraph Square, New Delhi Type-III, Quarter Numbers 01, 04, 06, 08, 10, 12, 13, 33, 35.
	8. Telegraph Traffic Place, Type-III, Quarter Numbers 01, 03, 05, 06 and 08.
	9. Telegraph Traffic Place, New Delhi Type-III, Quarter Numbers 12, 13, 14, 15 and 17.
	10. Fouch Square, New Delhi Type-III, Quarter Number E-63.
	11. Raja Bazar, New Delhi, Type-III, Quarter Numbers 24A, 24B, 24C, 24D, 24E and 24F.
	12. P.K. Road, New Delhi, Type-III, Block-I , Quarter Numbers 01 to 15; Block-II , Quarter Numbers 16 to 30.
	13. P.K. Road, New Delhi Type-II, Block-I , Quarter Numbers 01 to 15; Block-II , Quarter Numbers 16 to 30.
	14. Nanak Pura, New Delhi. Type-II, Quarter Numbers E-22A, E-25, E-25A, E-26, E-28, E-29, E-30A, E-31A, E-34 and E-39A.
	15. Minto Road, New Delhi. Type-II, Quarter Numbers 01, 08, 17, 28, 35, 36, 37, 40, 41, 44, 47, 53, 54, 55 and 60.
	16. P.K. Road, New Delhi. Type-I, Block 112 , Quarter Numbers 01 to 112.
	17. P.K. Road, New Delhi. Type-I, Block 45 , Quarter Numbers 113 to 157.
	18. P.K. Road, New Delhi. Type-I, Block 85 , Quarter Numbers 120 to 127, 133 to 139 and 265 to 309.

[F. No. V. 21020/21/2015-H-II]

G.P. SAMANTA, Under Secy.

मानव संसाधन विकास मंत्रालय

(उच्चतर शिक्षा विभाग)

(राजभाषा प्रभाग)

नई दिल्ली, 3 जनवरी, 2019

का.आ. 95.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (स्कूल शिक्षा एवं साक्षरता विभाग) के अंतर्गत निम्नलिखित कार्यालयों को, ऐसे कार्यालयों के रूप में, जिनके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:—

1.	केंद्रीय विद्यालय, नं. -1, मंगूर हिल, वास्को-डा-गामा, गोवा- 403802
2.	केंद्रीय विद्यालय, वर्धा, महात्मा गांधी अंतरराष्ट्रीय हिन्दी विश्वविद्यालय, गांधी हिल्स, वर्धा- 442001 महाराष्ट्र
3.	केंद्रीय विद्यालय, पोंडा, हवेली कुर्ती, पोंडा, गोवा-403401
4.	केंद्रीय विद्यालय, बुडायन, तहसील-उचाना कलां, जींद-126115 (हरियाणा)
5.	केंद्रीय विद्यालय, रानाघाट, गांव-कुमारशातपुर, डाक- रानाघाट, जिला-नदिया - 741201
6.	केंद्रीय विद्यालय नं.-1, ईशापुर, 4 टी पार्क, डाक-नवाबगंज, ईशापुर, जिला-24, परगना (नार्थ) - 743144
7.	केंद्रीय विद्यालय बंडेल, भवन सं.-5, आमबगान, रेलवे कालोनी, बंडेल, हुगली, पश्चिम बंगाल- 712123
8.	केंद्रीय विद्यालय, कूचबिहार, पोस्ट – निलकुठि (बाबुरहाट) कूचबिहार, पश्चिम बंगाल- 736156
9.	केंद्रीय विद्यालय, बालुरघाट, दक्षिण दिनाजपुर, जिला- दक्षिण दिनाजपुर, पश्चिम बंगाल- 733103
10.	केंद्रीय विद्यालय, आई ओ सी हल्दिया, पोस्ट- हल्दिया, टाऊनशिप, जिला-ईस्ट मिदनापुर, पश्चिम बंगाल- 721607
11.	केंद्रीय विद्यालय, अंडाल, वर्कशॉप कॉलोनी, जिला-बर्दवान, पश्चिम बंगाल- 713321
12.	केंद्रीय विद्यालय, बहरमपुर, 51ए , बाबुलबोना रोड, मुर्शिदाबाद, पश्चिम बंगाल- 742101
13.	केंद्रीय विद्यालय, रेलवे कॉलोनी, खडगपुर, ईस्टन, रेलवे पोस्ट, खडगपुर, जिला- पश्चिम मिदनापुर- 721301
14.	केंद्रीय विद्यालय, कांकीनाडा, 313, एम. यू. कैप, कांकीनाडा, पश्चिम बंगाल- 743126
15.	केंद्रीय विद्यालय क्रमांक-2, वायु सेना स्टेशन, जालाहल्ली पूर्व, बेंगलुरु-560014

[फा. सं.11011-2/2018-रा.भा.ए.]

संजय कुमार सिन्हा, संयुक्त सचिव

(MINISTRY OF HUMAN RESOURCE DEVELOPMENT)**(Department of Higher Education)**

(O.L. UNIT)

New Delhi, the 3rd January, 2019

S.O. 95.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the Ministry of Human Resource Development, (Department of School Education & Literacy) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi:—

1.	Kendriya Vidyalaya, No-1, Mangoor Hill, Vasco-Da-Gama, Goa- 403802
2.	Kendriya Vidyalaya, Wardha, Mahatma Gandhi International Hindi University, Gandhi Hills, Wardha-442001 (MS)
3.	Kendriya Vidyalaya, Ponda, Haveli Kurti, Ponda, Goa-403401
4.	Kendriya Vidyalaya, Budayan, Tehsil –Uchana Kalan, Jind-126115 (Haryana)
5.	Kendriya Vidyalaya, Ranaghat, Vill-Kumarshatpur, Post-Ranaghat, Distt. Nadia, Pin-741201
6.	Kendriya Vidyalaya No-1, Ishapore, 4, The Park, Post- Nawabganj, Ishapore, Distt-24, Pargana (N)- 743144
7.	Kendriya Vidyalaya Bandel, Building No- 5, Ambagan, Railway Colony, Bandel Hoogly , West Bengal-712123
8.	Kendriya Vidyalaya, Coochbehar, Post- Nilkuthi (Baburhat) Coochbehar-736156
9.	Kendriya Vidyalaya, Balurghat, Dakshin Dinajpur, Distt-Dakshin Dinajpur, West Bengal-733103
10.	Kendriya Vidyalaya , IOC Haldia, Post-Haldia Township,

	Distt-East Midnapur, West Bengal- 721607
11.	Kendriya Vidyalaya, Andal, Work Shop Colony, Distt- Burdwan, West Bengal- 713321
12.	Kendriya Vidyalaya, Berhampore, 51A, Babulbona Road, Murshidabad West Bengal-742101
13.	Kendriya Vidyalaya, Railway Colony, Khadagpur, Eastern Railway, Distt- Paschim Midnapur- 721301
14.	Kendriya Vidyalaya, Kankinara, 313, M.U. Camp, Kakinara, West Bengal-743126
15.	Kendriya Vidyalaya No-2, AFS, Jalahalli East, Bengaluru-560014

[F. No. 11011-2/2018- रा.भा.ए.]

SANJAY KUMAR SINHA, Jt. Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 4 जनवरी, 2019

का.आ. 96.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1098 तारीख 17 जुलाई, 2018 जो भारत के राजपत्र क्रमांक 29, तारीख 22 जुलाई – 28 जुलाई 2018 में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में जिला नासिक में तालुका मालेगांव कोयली – अहमदनगर – सोलापुर पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिनियम की प्रतियां जनता को तारीख 19 सितम्बर, 2018 तक उपलब्ध करा की गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट की है;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी ।

पेट्रोलियम और खनिज पाइपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाइन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तालुका:—मालेगांव	जिला:— नासिक		राज्य:— महाराष्ट्र		
मौजे / ग्राम	सर्वे / ब्लॉक / सं. (प्लॉट सं.)	सब-डीव-सं.	क्षेत्रफल		
			हेक्टर	आर	वर्ग मीटर

(1)	(2)	(3)	(4)	(5)	(6)
चोंढी	110 / 1 / अ		00	15	14
	110 / 1 / ब				

(1)	(2)	(3)	(4)	(5)	(6)
	110 / 2				
	112 / 1		00	23	68
	112 / 2				
	111		00	2	41
	113		00	16	36
	71		00	13	63
	72 / 1 / अ		00	45	62
	72 / 1 / ब				
	72 / 2				
	72 / 3 / अ				
	72 / 3 / ब				
	61 / ब		00	49	2
	56 / 1		00	9	56
	60		00	10	23
	59 / 1		00	59	02
	59 / 2				
	57		00	07	94
	49 / 1 / अ		00	56	03
	49 / 1 / ब				
	49 / 2 / अ				
	49 / 2 / ब				
	49 / अ / 1				
	39		00	44	34
	17 / 1		00	14	16
	17 / 2 / 1				
	17 / 2 / 2				
	17 / 2 / 3				
	17 / 2 / 4				
	17 / 2 / 6				
	17 / 3				
	20 / 1		00	41	96
	20 / 2				
	20 / 3				
	20 / 4				

(1)	(2)	(3)	(4)	(5)	(6)
	342		00	09	34
	339		00	23	82
	333 / ब / 1		00	27	84
	333 / ब / 2 / 1				
	333 / ब / 2 / 2				
	333 / ब / 3				
	333 / ब / 4 / 1				
	333 / ब / 4 / 2				
	333 / ब / 4 / 3				
	333 / ब / 4 / 4				
	333 / ब / 3				
	333 / ब / 6 / 1				
	333 / ब / 6 / 2				
	333 / ब / 7				
	338 / 1		00	15	92
	338 / 2				
	338 / 3				
	338 / 4				
	336 / 1		00	44	89
	336 / 2				
	335		00	41	16

[फा. सं. आर-11025(11)6 / 2018-ओआर-I / ई-23678]

नोवस किन्डो, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 4th January, 2019

S. O. 96.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas vide S.O. No. 1098 dated the 17th July 2018, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), Published in the Gazette of India, No.29 dated the dated 22 – 28 July, the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying Koyali-Ahmednagar-Solapur Pipeline for the transportation of Petroleum Products in Taluka Malegaon in Nashik District in the State of Maharashtra by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 19th September 2018;

And whereas the competent authority has under sub-section (1) of Section 6 of said act submitted report to the Central Government;

And Whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

Taluka:- Malegaon	District:- Nashik		State :- Maharashtra		
Mouje / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.

(1)	(2)	(3)	(4)	(5)	(6)
Chondhi	110/1/A		00	15	14
	110/1/B				
	110/2				
	112/1		00	23	68
	112/2				
	111		00	2	41
	113		00	16	36
	71		00	13	63
	72/1/A		00	45	62
	72/1/B				
	72/2				
	72/3/A				
	72/3/B				
	61/B		00	49	2
	56/1		00	9	56
	60		00	10	23
	59/1		00	59	02
	59/2				
	57		00	07	94
	49/1/A		00	56	03
	49/1/B				
	49/2/A				
	49/2/B				
	49/A/1				
	39		00	44	34
	17/1		00	14	16
	17/2/1				
	17/2/2				
	17/2/3				
	17/2/4				

(1)	(2)	(3)	(4)	(5)	(6)
	17/2/6				
	17/3				
	20/1		00	41	96
	20/2				
	20/3				
	20/4				
	342		00	09	34
	339		00	23	82
	333/B/1		00	27	84
	333/B/2/1				
	333/B/2/2				
	333/B/3				
	333/B/4/1				
	333/B/4/2				
	333/B/4/3				
	333/B/4/4				
	333/B/3				
	333/B/6/1				
	333/B/6/2				
	333/B/7				
	338/1		00	15	92
	338/2				
	338/3				
	338/4				
	336/1		00	44	89
	336/2				
	335		00	41	16

[F. No. R-11025(11)/6/2018-OR-I/E-23678]

NOAS KINDO, Under Secy.

नई दिल्ली, 4 जनवरी, 2019

का.आ.97.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप-धारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 2222 तारीख 14 सितम्बर, 2017 जो भारत के राजपत्र, क्रमांक 38, तारीख 17 सितम्बर – 23 सितम्बर 2017 एवं का.आ. 1102 तारीख 17 जुलाई, 2018 जो भारत के राजपत्र क्रमांक 29, तारीख 22 जुलाई – 28 जुलाई 2018 में प्रकाशित की गई थी द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में महाराष्ट्र राज्य में जिला अहमदनगर में तालुका श्रीरामपुर कोयली – अहमदनगर – सोलापुर पेट्रोलियम परिवहन के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी ;

और उक्त राजपत्र अधिनियम की प्रतियां जनता को तारीख 7 सितम्बर, 2018 तक उपलब्ध करा दी गई थी ;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को रिपोर्ट की है ;

और केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाईन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाए ;

और सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए, सभी विल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी ।

पेट्रोलियम और खनिज पाइपलाईन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिए इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदायी होगी और पाइपलाईन से सम्बन्धित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी ।

अनुसूची

तालुका:—श्रीरामपुर	जिला:— अहमदनगर		राज्य:— महाराष्ट्र		
मौजे / ग्राम	सर्वे / ब्लॉक / सं. (प्लॉट सं.)	सब-डीव-सं.	क्षेत्रफल		
			हेक्टेयर	आरे	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
मालुंजे बुद्रूक	152		00	38	53

[फा. सं. आर-11025(11)6/2018-ओआर-I/ई-23678]

नोवस किन्डो, अवर सचिव

New Delhi, the 4th January, 2019

S. O. 97.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas vide S.O. No. 2222 dated the 14th September, 2017, issued under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), Published in the Gazette of India No.38 dated the 17th September-23rd September 2017, Gazette of India, No.29 dated 22 – 28 July, 2018 S.O.No.1102 dated 17th July 2018 the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying Koyali-Ahmednagar-Solapur Pipeline for the transportation of Petroleum Products in Taluka Shrirampur in Ahmadnagar District in the State of Maharashtra by Indian Oil Corporation Limited;

And whereas copies of the said Gazette notification were made available to the public up to 7 September 2018;

And whereas the competent authority has under sub-section (1) of Section 6 of said act submitted report to the Central Government;

And Whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

Taluka:- Shrirampur	District:- Ahmadnagar		State :- Maharashtra		
Mouje / Village	Survey/Block No.	Sub-Div-No.	Area		
			Hectare	Are	Sq.mtr.
(1)	(2)	(3)	(4)	(5)	(6)
Malunje BK	152		00	38	53

[F. No. R-11025(11)6/2018-OR-I/E-23678]

NOAS KINDO, Under Secy.

नई दिल्ली, 4 जनवरी, 2019

का.आ. 98.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 1038 तारीख 03.07.2018 जिसका प्रकाशन भारत के राजपत्र संख्या 26, भाग-II, खण्ड 3, उप-खण्ड (ii) तारीख 07.07.2018 में किया गया है। इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट ओडिशा राज्य के तहसील : डेलांग, पिपिलि जिला: पुरी की भूमि में, ओडिशा राज्य में पारादीप से तेलंगाना राज्य में हैदराबाद तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा क्रियान्वित किए जा रहे "पारादीप-हैदराबाद पाइपलाइन परियोजना" के संबंध में पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के लिये अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थीं। और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार अर्जित किया जाए; और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी बिल्लंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

राज्य – ओडिशा							
क्र. सं.	जिला	तहसील	गाँव का नाम	प्लॉट नं.	क्षेत्रफल		
					हेक्टर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	पुरी	डेलांग	बसन्तपुर	447	00	06	93
				524	00	00	30
				525	00	00	47
				528	00	04	38
2	पुरी	डेलांग	रेंगल	3200	00	00	30
				3201	00	02	38
				3202	00	01	60
				3318	00	04	15
				3327	00	01	22
				3326	00	10	45
				3328	00	09	30
				3351	00	01	52
				3350	00	03	98
				3346	00	05	91

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
				3347	00	05	70
				3343	00	06	39
				3415	00	01	72
				3551	00	01	01
				3550	00	00	53
				3528	00	02	23
				3529	00	01	54
				3547	00	02	46
				3531	00	06	42
				3546	00	05	50
				3538	00	02	31
				3532	00	04	53
				3536	00	01	62
				3535	00	01	35
3	पुरी	पिपिलि	सिउला	206	00	02	20
				228	00	00	30

[फा. सं. आर-11025(11)236/2017-ओआर-I/ई-13717]

नोवस किन्डो, अवर सचिव

New Delhi, the 4th January, 2019

S. O. 98.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No. 26 Part-II, Section 3, Sub-section (ii) dated 07.07.2018 vide S.O.Number - 1038 dated 03.07.2018 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intension to acquire the right of user in the land situated in Tehsil- Delang, Pipili, District-Puri in Odisha State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Paradip in the State of Odisha to Hyderabad in the State of Telengana by the Indian Oil Corporation Limited for implementing the “Paradip-Hyderabad Pipeline Project”.

And whereas the copies of the Gazette were made available to the public. And whereas the Competent Authority has under Sub-section (1) of section 6 of the said Act, has submitted his report of Central Government;

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

State - Odisha							
Sl. No.	District	Tehsil	Village	Plot No.	Area		
					Hectare	Are	Sq.Mtr.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	PURI	DELANG	BASANTPUR	447	00	06	93
				524	00	00	30
				525	00	00	47
				528	00	04	38
2	PURI	DELANG	RENGAL	3200	00	00	30
				3201	00	02	38
				3202	00	01	60
				3318	00	04	15
				3327	00	01	22
				3326	00	10	45
				3328	00	09	30
				3351	00	01	52
				3350	00	03	98
				3346	00	05	91
				3347	00	05	70
				3343	00	06	39
				3415	00	01	72
				3551	00	01	01
				3550	00	00	53
				3528	00	02	23
				3529	00	01	54
				3547	00	02	46
				3531	00	06	42
				3546	00	05	50
				3538	00	02	31
				3532	00	04	53
				3536	00	01	62
				3535	00	01	35
3	PURI	PIPILI	SIULA	206	00	02	20
				228	00	00	30

[F. No. R-11025(11)236/2017-OR.-I/E-13717]

NOAS KINDO, Under Secy.

नई, दिल्ली, 4 जनवरी, 2019

का. आ. 99.— केंद्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि आंध्र प्रदेश राज्य में पेट्रोलियम उत्पादों के परिवहन के लिए पारादीप- हैदराबाद पाइपलाइन परियोजना के क्रियान्वयन हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केंद्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि ऐसी भूमि में जो इस से ऊपाबद्ध अनुसूची में वर्णित है, और जिसमें उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन्स (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई भी व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से, जिसको इस अधिसूचना में युक्त भारत के राजपत्र की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस (21) दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के लिए उसमें उपयोग के अधिकार के संबन्ध में श्री एम. आर. आर. शेषु, सक्षम प्राधिकारी (आंध्र प्रदेश), इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइन्स प्रभाग), पारादीप-हैदराबाद पाइपलाइन परियोजना, चौथी मंजिल, एल.आई.सी. एनेक्सी भवन, थिक्कना (डायमंड पार्क) रोड, आर.टी.सी. कॉम्प्लेक्स के पास, विशाखापटनम - 530004, आंध्र प्रदेश राज्य को लिखित रूप से आक्षेप भेज सकेगा।

अनुसूची

जिला : श्रीकाकुलम			राज्य : आंध्र प्रदेश		
मंडल का नाम	ग्राम का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्गमीटर

(1)	(2)	(3)	(4)	(5)	(6)
पोंदूरु	मेदेलालासा	51/1	00	14	06
		52/6	00	04	11
		53/15	00	00	71
		52/3	00	00	18
		56/5	00	03	10
		82/7	00	00	24
		82/2	00	00	51
		32/20	00	00	21
		83/1	00	00	71
		53/18	00	00	11
पोंदूरु	कितलि	131/13	00	03	88
		128/11	00	00	10
		123/15	00	01	76
		124/7	00	01	14
		124/5	00	01	23
पोंदूरु	अच्चिपोलावलासा	132/3	00	00	56

(1)	(2)	(3)	(4)	(5)	(6)
पोंदूरु	अच्चिपोलावलासा	136/31	00	01	08
		136/30	00	00	21
		136/17	00	00	89
		136/18	00	00	59
		136/22	00	01	12
		137/5	00	00	45
		138/26	00	00	09
		138/28	00	00	17
		138/19	00	00	30
		138/15	00	00	34
		138/13	00	00	64
		144/2	00	02	81
		144/1	00	01	36
		140/4	00	01	35
		140/3	00	00	69
		141/11	00	01	52
		141/12	00	02	24
		133	00	01	02
पोंदूरु	तोलापि	137/3	00	00	66
		73/8	00	00	12
		73/16	00	00	02
		73/15	00	00	15
		77/8	00	02	19
		77/6	00	00	03
		77/3	00	03	10

(1)	(2)	(3)	(4)	(5)	(6)
पोंदूरु	तोलापि	77/4	00	00	31
		80/2	00	00	03
		109/2	00	00	50
		81/6	00	00	05
		81/2	00	00	21
		94/19	00	00	36
		94/12	00	00	50
		94/4	00	00	14
		95/24	00	00	11
		95/14	00	00	04
		95/12	00	00	03
		95/5	00	00	95
		95/6	00	00	03
		95/3	00	00	35
		156/15	00	00	09
		158/21	00	00	03
		158/20	00	00	06
		158/18	00	00	06
		158/16	00	00	04
		158/7	00	00	08
		158/4	00	00	64
		160/2	00	00	89
		159/16	00	01	47
		159/19	00	01	25
		164/1	00	00	05

(1)	(2)	(3)	(4)	(5)	(6)
पोंदूरु	तोलापि	164/2	00	00	41
		164/10	00	00	12
		164/12	00	03	27
		165/2	00	02	05
		165/3	00	15	50
		169/2	00	01	87
		169/8	00	00	03
		169/12	00	05	43
		171/1	00	00	53
		171/6	00	01	19
		185/3	00	00	07
		186/5	00	02	47
		186/10	00	02	36
		186/11	00	00	93
		186/14	00	03	14
		186/17	00	04	11
		188/2	00	00	65
		188/16	00	04	76
		188/18	00	04	25
		192/9	00	03	36
		192/12	00	01	62
		192/26	00	00	56
		192/27	00	01	32
		193/10	00	01	28
		193/12	00	02	21

(1)	(2)	(3)	(4)	(5)	(6)
पोंदूर	तोलापि	193/13	00	02	93
		188/7	00	00	81
		191/2	00	01	83
		192/29	00	02	43
पोंदूर	पिल्लालावलासा	190/11	00	00	57
पोंदूर	कनिमेट्टा	16/5	00	00	78
		16/24	00	05	8
		16/16	00	00	78
		17/2	00	00	62
		17/6	00	03	9
		19/1	00	00	21
पोंदूर	धर्मपिरुम	118/2	00	00	47
		119/18	00	00	18
		116/17	00	00	87

[फा. सं. आर-11025(11)252/2017-ओआर-1/ई-21033]

नोवस किन्डो, अवर सचिव

New Delhi, the 4th January, 2019

S.O. 99.—Whereas, it appears to the Central Government, that it is necessary in the public interest that for the transportation of petroleum products in the state of Andhra Pradesh a pipeline should be laid for implementing Paradip-Hyderabad Pipeline Project under Paradip-Hyderabad Pipeline by the Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person who is interested in the land described in the said schedule, may submit objection in writing to Shri. M. R. R. Seshu, Competent Authority (Andhra Pradesh) Indian Oil Corporation Limited (Pipelines Division), Paradip Hyderabad Pipeline Project, 4th floor, LIC Annexe Building, Thikkana (Diamond Park) Road, Near RTC Complex, Visakhapatnam - 530004 within twenty one (21) days from the date on which the copies of this notification issued under Sub-section (1) of Section 3 of the said Act, as published in the Gazette of India, are made available to the general public.

SCHEDULE

DISTRICT : SRIKAKULAM			STATE : ANDHRA PRADESH		
MANDAL	VILLAGE	SURVEY No.	AREA		
			Hectare	Are	Sq. Mt.
(1)	(2)	(3)	(4)	(5)	(6)
PONDURU	MEDDELAVALASA	51/1	00	14	06
		52/6	00	04	11
		53/15	00	00	71
		52/3	00	00	18
		56/5	00	03	10
		82/7	00	00	24
		82/2	00	00	51
		32/20	00	00	21
		83/1	00	00	71
		53/18	00	00	11
		131/13	00	03	88
		128/11	00	00	10
PONDURU	KINTALI	123/15	00	01	76
		124/7	00	01	14
		124/5	00	01	23
		132/3	00	00	56
		136/31	00	01	08
PONDURU	ACHIPOLAVALLASA	136/30	00	00	21
		136/17	00	00	89
		136/18	00	00	59
		136/22	00	01	12
		137/5	00	00	45
		138/26	00	00	09
		138/28	00	00	17
		138/19	00	00	30
		138/15	00	00	34
		138/13	00	00	64
		144/2	00	02	81
		144/1	00	01	36
		140/4	00	01	35
		140/3	00	00	69
		141/11	00	01	52
PONDURU	TOLAPI	141/12	00	02	24
		133	00	01	02
		137/3	00	00	66
		73/8	00	00	12
		73/16	00	00	02
		73/15	00	00	15
		77/8	00	02	19

(1)	(2)	(3)	(4)	(5)	(6)
PONDURU	TOLAPI	77/6	00	00	03
		77/3	00	03	10
		77/4	00	00	31
		80/2	00	00	03
		109/2	00	00	50
		81/6	00	00	05
		81/2	00	00	21
		94/19	00	00	36
		94/12	00	00	50
		94/4	00	00	14
		95/24	00	00	11
		95/14	00	00	04
		95/12	00	00	03
		95/5	00	00	95
		95/6	00	00	03
		95/3	00	00	35
		156/15	00	00	09
		158/21	00	00	03
		158/20	00	00	06
		158/18	00	00	06
		158/16	00	00	04
		158/7	00	00	08
		158/4	00	00	64
		160/2	00	00	89
		159/16	00	01	47
		159/19	00	01	25
		164/1	00	00	05
		164/2	00	00	41
		164/10	00	00	12
		164/12	00	03	27
		165/2	00	02	05
		165/3	00	15	50
		169/2	00	01	87
		169/8	00	00	03
		169/12	00	05	43
		171/1	00	00	53
		171/6	00	01	19
		185/3	00	00	07
		186/5	00	02	47
		186/10	00	02	36
		186/11	00	00	93
		186/14	00	03	14
		186/17	00	04	11

(1)	(2)	(3)	(4)	(5)	(6)
PONDURU	TOLAPI	188/2	00	00	65
		188/16	00	04	76
		188/18	00	04	25
		192/9	00	03	36
		192/12	00	01	62
		192/26	00	00	56
		192/27	00	01	32
		193/10	00	01	28
		193/12	00	02	21
		193/13	00	02	93
		188/7	00	00	81
		191/2	00	01	83
		192/29	00	02	43
PONDURU	PILLALAVALLASA	190/11	00	00	57
PONDURU	KANIMETTA	16/5	00	00	78
		16/24	00	05	8
		16/16	00	00	78
		17/2	00	00	62
		17/6	00	03	9
		19/1	00	00	21
PONDURU	DHARMAPARUM	118/2	00	00	47
		119/18	00	00	18
		116/17	00	00	87

[F. No. R-11025(11)252/2017-OR-I/E-21033]

NOAS KINDO, Under Secy.

नई दिल्ली, 4 जनवरी, 2019

का.आ. 100.—केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उप धारा (1) के अधीन जारी की गई, भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. 2852, 2857, 2862, 51, 620 तारीख 18.12.2017, 18.12.2017, 18.12.2017, 11.01.2018, 11.04.2018 जिसका प्रकाशन भारत के राजपत्र संख्या 36, भाग-II, खण्ड 3, उप-खण्ड (ii) तारीख 23.12.2017, 23.12.2017, 23.12.2017, 13.01.2018, 21.04.2018 में किया गया है। इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट ओडिशा राज्य के तहसील : **कुजंग, जगत सिंहपुर, एरसमा,** जिला : **जगतसिंहपुर** की भूमि में, ओडिशा राज्य में पारादीप से तेलंगाना राज्य में हैदराबाद तक पेट्रोलियम उत्पादों के परिवहन के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड के द्वारा क्रियान्वित किए जा रहे "पारादीप-हैदराबाद पाइपलाइन परियोजना" के संबंध में पाइपलाइन बिछाने के प्रयोजन के लिये उपयोग के अधिकार का अर्जन करने के लिये अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियाँ जनता को उपलब्ध करा दी गई थीं। और उक्त अधिनियम की धारा 6 की उपधारा (1) के अनुसरण में सक्षम प्राधिकारी ने केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाने के लिये अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए एतद् द्वारा घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के उपयोग का अधिकार

अर्जित किया जाए; और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने के बजाए सभी बिल्लिंगमों से मुक्त होकर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

अनुसूची

जिला : जगतसिंहपुर				राज्य: ओडिशा		
क्र. सं.	तहसील	गाँव का नाम	प्लॉट नं.	क्षेत्रफल		
				हेक्टर	एयर	वर्ग मीटर

(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	कुजंग	नपंग	834	00	04	35
2.	जगतसिंहपुर	ओडिस	3898	00	01	91
			406	00	03	00
			412	00	00	11
			411	00	00	71
			4083	00	01	40
			4099	00	01	00
			4100	00	02	61
			409	00	00	11
			3899	00	02	20
			404	00	01	41
			3849	00	01	50
			3902	00	02	52
			3848	00	02	51
			4080	00	02	10
			4081	00	02	41
			4074	00	03	00
			3850	00	03	21
			4140	00	05	41
			4101	00	01	00
			410	00	00	31
			405	00	03	00
			408	00	00	20
3.	जगतसिंहपुर	फुलहार	37	00	00	25
			35	00	02	30
			178	00	02	30
			34	00	03	00

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	जगतसिंहपुर	फुलहार	36	00	02	00
4.	जगतसिंहपुर	ओडपडा	485	00	01	19
			489	00	01	24
			462	00	01	45
			414	00	00	97
			413	00	00	99
			445	00	00	18
			464	00	00	30
			465	00	00	65
			463	00	00	70
			295	00	00	32
			291	00	05	00
			292	00	01	25
			479	00	05	88
			480	00	02	52
			481	00	01	98
			483	00	02	12
			486	00	00	87
			487	00	00	20
			293	00	00	95
			461	00	00	55
			484	00	00	99
			488	00	01	84
			294	00	00	95
5.	एसमा	पाणिगडिआकन्धा	326	00	01	00
			327	00	00	45
			290	00	10	72
			291	00	01	92
			292/793	00	02	52
			293	00	02	56
			295	00	03	70
			296	00	01	85
			297	00	01	50
			298	00	02	88

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	एरसमा	पाणिगडिआकन्धा	299	00	02	34
			257	00	02	52
			278	00	00	16
			276	00	02	52
			274	00	02	95
			273	00	00	55
			272	00	04	00
			269/777	00	03	28
			260	00	01	45
			266	00	00	74
			239/978	00	04	68
			239	00	03	39
			238	00	01	48
			238/945	00	04	52
			239/977	00	02	00
			234	00	13	30
			235/747	00	01	20
			235	00	03	90
			210	00	29	00
			267	00	00	28
			233/779	00	00	22
			238/946	00	00	56
6.	एरसमा	फिरिकछिटाकन्धा	32	00	06	08
			31	00	00	74
			43	00	00	68
			43/463	00	01	77
			45	00	00	23
			390	00	00	80
			76	00	01	71
			77/388	00	02	37
			78/510	00	01	78
			78	00	01	01
			79	00	01	30
			80	00	02	33

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	एरसमा	फिरिकछिटाकन्धा	81	00	04	23
			82	00	01	48
			83	00	01	32
			84	00	02	47
			85	00	01	96
			86	00	02	01
			88	00	01	68
			263/453	00	01	91
			262	00	02	65
			261/460	00	00	26
			260	00	01	83
			259	00	01	59
			258	00	01	70
			257	00	00	83
			256	00	01	39
			255	00	02	56
			90	00	11	87
			91	00	00	35
			97	00	00	75
			98	00	01	83
			232/421	00	03	54
			100	00	03	56
			232	00	00	10
			102	00	06	15
			103	00	07	15
			104	00	02	93
			231	00	04	74
			229	00	06	23
			230	00	00	36
			228	00	04	42
			132	00	00	87
			131	00	06	91
			129	00	00	67
			130	00	00	74

(1)	(2)	(3)	(4)	(5)	(6)	(7)
7.	एरसमा	नुआडिही	660	00	00	46
			675	00	05	06
			657	00	12	83
			651	00	07	30
			677	00	03	03
8.	एरसमा	धुआँसाही	120	00	00	95
			118	00	02	23

[फा. सं. आर-11025(11)236 / 2017-ओआर-I / ई-13717]

नोवस किन्डो, अवर सचिव

New Delhi, the 4th January, 2019

S. O. 100.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas, published in the Gazette of India No. 36 Part-II, Section 3, Sub-section (ii) dated 18.12.2017, 18.12.2017, 18.12.2017, 11.01.2018, 11.04.2018 *vide* S.O.Number - 2852, 2857, 2862 51, 620 dated 23.12.2017, 23.12.2017, 23.12.2017, 13.01.2018, 21.04.2018 issued under Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act) the Central Government declared its intension to acquire the right of user in the land situated in Tehsil- Kujang, Jagatsinghapur Erasama, District-Jagatsinghapur in Odisha State, specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of petroleum products from Paradip in the State of Odisha to Hyderabad in the State of Telengana by the Indian Oil Corporation Limited for implementing the “Paradip-Hyderabad Pipeline Project”.

And whereas the copies of the Gazette were made available to the public. And whereas the Competent Authority has under Sub-section (1) of section 6 of the said Act, has submitted his report of Central Government;

And whereas, the Central Government after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire right of the user therein;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the schedule appended to this notification is hereby acquired for laying the pipeline;

And further, in exercise of the powers conferred by Sub-section (4) of Section 6 of the said Act, the Central Government hereby directs that the right of user of the said land for laying the pipeline shall, instead of vesting in the Central Government, vests on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

SCHEDULE

District : JAGATSINGHPUR				State : ODISHA		
Sl.No.	Tehsil	Village	Plot No.	Area		
				Hectare	Are	Sq.Mtr

(1)	(2)	(3)	(4)	(5)	(6)	(7)
1.	KUJANG	NAPANGA	834	00	04	35
2.	JAGATSINGHPUR	ORISA	3898	00	01	91
			406	00	03	00
			412	00	00	11
			411	00	00	71
			4083	00	01	40
			4099	00	01	00
			4100	00	02	61
			409	00	00	11

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	JAGATSINGHPUR	ORISA	3899	00	02	20
			404	00	01	41
			3849	00	01	50
			3902	00	02	52
			3848	00	02	51
			4080	00	02	10
			4081	00	02	41
			4074	00	03	00
			3850	00	03	21
			4140	00	05	41
			4101	00	01	00
			410	00	00	31
			405	00	03	00
			408	00	00	20
3.	JAGATSINGHPUR	PHULHAR	37	00	00	25
			35	00	02	30
			178	00	02	30
			34	00	03	00
			36	00	02	00
4.	JAGATSINGHPUR	ORAPARA	485	00	01	19
			489	00	01	24
			462	00	01	45
			414	00	00	97
			413	00	00	99
			445	00	00	18
			464	00	00	30
			465	00	00	65
			463	00	00	70
			295	00	00	32
			291	00	05	00
			292	00	01	25
			479	00	05	88
			480	00	02	52
			481	00	01	98
			483	00	02	12
			486	00	00	87
			487	00	00	20
			293	00	00	95
			461	00	00	55
			484	00	00	99
			488	00	01	84
			294	00	00	95

(1)	(2)	(3)	(4)	(5)	(6)	(7)
5.	ERASAMA	PANIGARIAKANDHA	326	00	01	00
			327	00	00	45
			290	00	10	72
			291	00	01	92
			292/793	00	02	52
			293	00	02	56
			295	00	03	70
			296	00	01	85
			297	00	01	50
			298	00	02	88
			299	00	02	34
			257	00	02	52
			278	00	00	16
			276	00	02	52
			274	00	02	95
			273	00	00	55
			272	00	04	00
			269/777	00	03	28
			260	00	01	45
			266	00	00	74
			239/978	00	04	68
			239	00	03	39
			238	00	01	48
			238/945	00	04	52
			239/977	00	02	00
			234	00	13	30
			235/747	00	01	20
			235	00	03	90
			210	00	29	00
			267	00	00	28
			233/779	00	00	22
			238/946	00	00	56
6.	ERASAMA	PHIRIKCHHITAKANDHA	32	00	06	08
			31	00	00	74
			43	00	00	68
			43/463	00	01	77
			45	00	00	23
			390	00	00	80
			76	00	01	71

(1)	(2)	(3)	(4)	(5)	(6)	(7)
	ERASAMA	PHIRIKCHHITAKANDHA	77/388	00	02	37
			78/510	00	01	78
			78	00	01	01
			79	00	01	30
			80	00	02	33
			81	00	04	23
			82	00	01	48
			83	00	01	32
			84	00	02	47
			85	00	01	96
			86	00	02	01
			88	00	01	68
			263/453	00	01	91
			262	00	02	65
			261/460	00	00	26
			260	00	01	83
			259	00	01	59
			258	00	01	70
			257	00	00	83
			256	00	01	39
			255	00	02	56
			90	00	11	87
			91	00	00	35
			97	00	00	75
			98	00	01	83
			232/421	00	03	54
			100	00	03	56
			232	00	00	10
			102	00	06	15
			103	00	07	15
			104	00	02	93
			231	00	04	74
			229	00	06	23
			230	00	00	36
			228	00	04	42
			132	00	00	87
			131	00	06	91
			129	00	00	67
			130	00	00	74

(1)	(2)	(3)	(4)	(5)	(6)	(7)
7.	ERASAMA	NUADIHI	660	00	00	46
			675	00	05	06
			657	00	12	83
			651	00	07	30
			677	00	03	03
8.	ERASAMA	DHUANSAHI	120	00	00	95
			118	00	02	23

[F. No. R-11025(11)236/2017-OR.-I/E-13717]

NOAS KINDO, Under Secy.

नई दिल्ली, 4 जनवरी, 2019

का.आ. 101.— केंद्रीय सरकार ने, पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का.आ. 1093 ता. 17 जुलाई, 2018 जो भारत के राजपत्र क्रमांक 29, ता. 22 जुलाई, 2018 में प्रकाशित की गई थी उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पेट्रोलियम पदार्थों परिवहन के लिए कोयली - सांगानेर पाईपलाइन का गुजरात राज्य में मौजूद कोयली से विरमगाम विभाग की पेट्रोलियम पाईपलाइन पुरानी होने से बदलने हेतु इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा नई पाईपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार के अर्जन के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिनियम की प्रतिया जनता को तारीख 7 सितम्बर, 2018 से उपलब्ध करा दी गई थी;

और सक्षम अधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केंद्रीय सरकार को रिपोर्ट की है;

और केंद्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात, और यह समाधान हो जाने पर की उक्त भूमि मौजूदा पाईपलाइन संरक्षण के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है;

अतः अब, केंद्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषित करती है की इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि मौजूदा पाईपलाइन संरक्षण के लिए उपयोग का अधिकार अर्जन किया जाए;

और केंद्रीय सरकार, उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निर्देश देती है के उक्त भूमि के उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से केंद्रीय सरकार में निहित होने की बजाय, सभी विल्लंगमो से मुक्त हो कर इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगी।

पेट्रोलियम और खनिज पाईपलाइन अधिनियम, 1962 की धारा 10 के अधीन किसी भी क्षतिपूर्ति के लिये इंडियन ऑयल कॉर्पोरेशन लिमिटेड पूर्णतया उत्तरदाई होगी और पाईपलाइन से संबंधित किसी भी मामले पर केन्द्रीय सरकार के विरुद्ध कोई वाद दावा या कानूनी कार्यवाही नहीं हो सकेगी।

अनुसूची

तहसील :- वडोदरा	जिला :- वडोदरा			राज्य :- गुजरात		
मौजा / गाम	सर्वे / ब्लॉक / सं (प्लॉट सं)		सब डिव सं.	क्षेत्रफल		
				हेक्टेयर	आरे	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)	(6)
कोयली	1059	पैकी 1	00	21	86	
अनगढ़	443	-	00	07	76	
कोटना	340	-	00	04	61	
तहसील: आंकलाव	जिला : आणंद					
आमरोल	पुराना नं. 358/2	नया नं. 662	-	00	01	91
	पुराना नं. 357	नया नं. 661	-	00	07	23
	पुराना नं. 385	नया नं. 696	-	00	04	76
तहसील: वसो	जिला : खेड़ा					
दन्ताली	191	1	00	07	43	
	192	2	00	03	82	
	279	-	00	09	37	

[फा. सं. आर-11025(11)13/2018-ओआर-I/ई-25725]

नोवस किन्डो, अवर सचिव

New Delhi, the 4th January, 2019

S. O. 101.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas *vide* S.O. No.1093, dated 17th July, 2018, issued under subsection (1) of section 3 of the petroleum and minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), Published in the Gazette of India No.29 dated 22nd July, 2018. The Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to the notification for the purpose of protection of existing petroleum pipeline from Koyali to Viramgam Section in the state of Gujarat is to be replaced as it is too old by Indian Oil Corporation Limited western region.

And whereas the copies of the said Gazette notification were made available to the public up to 07th September, 2018;

And whereas the Competent Authority has under sub-section (1) of section 6 of the said Act submitted report to the Central Government;

And where as the central Government, after considering the said report and on being satisfied that the said land is required for the purpose of protection of exiting petroleum pipeline, has decided to acquire right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the rights of user in land specified in the Schedule appended to this notification is hereby required for the purpose of protection of exiting petroleum pipeline;

And further in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that right of user in the said land required for the purpose of protection of exiting petroleum pipeline shall instead of vesting in the Central Government, vest on the date of publication of the declaration, in Indian Oil Corporation Limited, free from all encumbrances.

Indian Oil Corporation Limited shall be exclusively liable for any compensation in terms of Section 10 of the P & MP Act, 1962 and no suit, claim or legal proceeding would lie against the Central Government on any matter relating to the pipeline.

SCHEDULE

Tahsil : Vadodara	District : Vadodara			State : Gujarat		
Mouja/Village	Survey/Block No.		Sub-Div-No.	Area		
				Hectare	Are	Sq.Mtr.
1	2	3	4	5	6	
Koyali	1059	P1	00	21	86	
Angadh	443	-	00	07	76	
Kotna	340	-	00	04	61	
Tahsil : Anklav	District : Anand					
Aamrol	Old 358/2	New 662	-	00	01	91
	Old 357	New 661	-	00	07	23
	Old 385	New 696	-	00	04	76
Tahsil : Vaso	District : Kheda					
Dantali	191	1	00	07	43	
	192	2	00	03	82	
	279	-	00	09	37	

[F.No. R-11025(11)13/2018-OR.-I/E-25725]

NOAS KINDO, Under Secy.

नई दिल्ली, 10 जनवरी, 2019

का.आ. 102.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाये जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री विश्वनाथ समाजदार, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया – बरौनी पाइपलाइन सिस्टम्स परियोजना, डाकघर – दुईल्या, आन्दुल – मौरी, मौरीग्राम, हावड़ा - 711302 (पश्चिम बंगाल) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला : पूर्व मेदिनीपुर		राज्य : पश्चिम बंगाल			
थाना	मौज़ा का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	किसमत शिवरामनगर - 94	1681	00	00	86
		1682	00	02	25
		1675	00	00	54
		1674	00	00	79
		1673	00	01	99
		1672	00	01	52
		1671	00	01	38
		1664	00	01	43
		1648	00	00	25
		1652	00	02	12
		1649	00	03	25
		1650	00	00	41
		1631	00	00	84
		1630	00	01	20
		1130	00	01	94
		1131	00	04	86
		1134	00	00	89
		1137	00	00	20
		1135	00	01	23
		1136	00	01	90
		1140	00	00	49
		1309	00	10	01
		1308	00	00	71
		1318	00	11	33
		1326	00	03	29
		1330	00	00	20
		1328	00	03	66
		1329	00	06	46
		1348	00	00	20
		1331	00	10	42
		1295	00	09	18
		1297	00	09	93
		1282	00	11	78
		1283	00	00	73

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	किसमत शिवरामनगर - 94	1220	00	00	89
		977	00	01	17
		976	00	10	93
		966	00	05	10
		983	00	05	29
		965	00	05	80
		962	00	05	56
		956	00	02	87
		955	00	05	77
		954	00	10	34
		939	00	01	97
		917	00	11	49
		916	00	03	37
		905	00	09	55
		903	00	01	93
		814	00	00	62
		902	00	02	40
		815	00	00	33
		816	00	01	40
		817	00	02	91
		818	00	06	24
		2800	00	01	00
		821	00	00	20
		2801	00	00	20
		908	00	01	97
		810	00	01	22
		811	00	00	56
		807	00	00	34
		808	00	03	83
		809	00	04	08
		786	00	04	27
		787	00	01	48
		788	00	01	36
		789	00	00	90
		790	00	00	20
		795	00	00	20
		794	00	00	53
		793	00	01	72
		792	00	11	07

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	किसमत शिवरामनगर - 94	775	00	00	20
		774	00	04	27
		754	00	00	20
		773	00	01	67
		756	00	01	89
		758	00	04	93
		741	00	00	74
		734	00	00	69
		717	00	11	10
		716	00	03	37
		714	00	01	28
		713	00	00	68
		702	00	17	10
		703	00	00	20
		705	00	00	28
		698	00	03	55
		697	00	01	79
		707	00	02	65
		696	00	05	18
		695	00	06	03
		685	00	02	09
		686	00	02	58
		687	00	01	89
		688	00	01	36
		690	00	02	19
		654	00	06	08
		655	00	07	33
		657	00	02	63
		656	00	05	88
		658	00	07	75
		1342	00	08	37
		1341	00	00	20
		1343	00	02	48
		1346	00	06	28
		1347	00	01	31
सुताहटा - II	चाऊलखोला - 93	2500	00	00	66
		2501	00	28	29
		2515	00	05	63
		2516	00	04	57

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	चाऊलखोला - 93	2517	00	06	00
		2518	00	00	20
		2519	00	03	65
		2520	00	03	29
		2311	00	01	01
		2350	00	01	31
		2351	00	07	60
		2356	00	00	55
		2353	00	03	98
		2352	00	02	50
		2367	00	03	87
		2358	00	00	49
		2366	00	01	78
		2365	00	01	45
		2363	00	03	67
		2361	00	00	57
		2411	00	01	19
		2362	00	04	04
		2412	00	12	98
		2414	00	00	20
		2415	00	00	20
		2418	00	06	01
		2417	00	06	56
		1543	00	14	88
		1542	00	00	22
		1522	00	05	56
		1521	00	03	52
		1520	00	03	35
		1519	00	05	10
		1517	00	03	61
		1555	00	03	18
		1516	00	00	77
		1556	00	07	92
		1510	00	10	08
		1509	00	02	44
		1594	00	00	20
		1595	00	00	67
		1508	00	00	93
		1596	00	02	27

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	चाऊलखोला - 93	1597	00	05	29
		1507	00	00	35
		1506	00	09	11
		1598	00	01	64
		1412	00	01	22
		2703	00	14	79
		1445	00	01	37
		1440	00	07	70
		1443	00	00	20
		1442	00	03	54
		1441	00	00	96
		1401	00	01	92
सुताहटा - II	बड़बाड़ी - 60	1250	00	00	36
		1249	00	03	27
		1248	00	00	20
		1251	00	03	46
		1240	00	00	94
		1254	00	03	14
		1255	00	02	62
		1256	00	08	26
		1257	00	09	39
		1267	00	07	28
		1293	00	21	62
		1292	00	00	98
		1279	00	03	70
		1288	00	06	35
		1289	00	02	27
		1282	00	07	58
		1281	00	03	80
		1184	00	00	20
		1183	00	02	16
		1283	00	04	22
		1181	00	03	91
		1179	00	01	59
		1180	00	09	04
		1178	00	14	21
		1174	00	00	20
		1173	00	04	55
		1601	00	13	74

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	बड़बाड़ी - 60	1602	00	00	20
		1602/2853	00	00	48
		1606	00	11	72
		1607	00	06	87
		1623	00	07	53
		1622/2984	00	03	60
		1622	00	11	16
		1621	00	08	41
		1620	00	05	68
		332	00	02	86
		1780	00	03	24
		331	00	19	74
		1781	00	00	27
		1784	00	02	01
		1785	00	01	58
		1786	00	02	59
		1792	00	07	77
		329	00	04	62
		1793	00	06	42
		325	00	05	63
		324	00	07	17
		323	00	04	50
		318	00	00	92
		317	00	11	04
		312	00	16	69
सुताहटा - II	बाड़बाजीतपुर - 59	612	00	00	32
		628	00	02	08
		629	00	02	46
		2585	00	16	24
		626	00	11	09
		624	00	09	96
		326	00	00	20
		313	00	07	99
		325	00	01	12
		314	00	06	78
		315	00	03	61
		317	00	10	90
		2303	00	00	20
		318	00	04	37

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	बाड़वाजीतपुर - 59	293	00	07	90
		292	00	02	24
		294	00	02	46
		295	00	00	20
		2302	00	06	33
		2301	00	02	24
		289	00	03	91
		288	00	08	06
		2300	00	02	93
		287	00	01	20
		286	00	02	92
		219	00	01	04
		191	00	00	75
		194	00	08	50
		196	00	04	97
		198	00	04	34
		199	00	03	75
		227	00	00	20
		188	00	08	58
		186	00	14	27
		2261	00	08	63
		177	00	00	34
		2262	00	00	75
		2285	00	00	20
		179/2286	00	03	75
		179	00	03	66
		180	00	00	24
		183	00	00	21
		182	00	05	97
		181	00	00	31
		636	00	01	78
		697	00	04	06
		696	00	08	92
		699	00	02	67
		722	00	06	67
		723	00	04	56
		721	00	01	53
		724	00	03	38
		725	00	01	72

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	बाड़बाजीतपुर - 59	726	00	01	82
		727	00	01	45
		728	00	07	29
		730	00	02	43
		731	00	00	20
		732	00	07	51
		741/2356	00	04	46
		736	00	01	15
		741	00	11	07
		2357	00	00	20
		737	00	02	92
		116	00	02	45
		38	00	03	42
		39	00	03	71
		44	00	03	36
		45	00	07	77
		46	00	01	46
		48	00	03	94
		51	00	03	64
		55	00	03	49
		63	00	01	26
		62	00	07	89
		61	00	00	20
		65	00	08	92
		69	00	09	13
		69/2272	00	01	91
		21	00	03	32
		10	00	02	73
		13	00	12	27
		11	00	00	36
		10/2265	00	02	03
		11/2268	00	04	38
		2	00	01	00
सुताहटा - II	कुनारपुर - 58	2494	00	08	06
		2493	00	04	68
		2492	00	14	43
		2489	00	08	89
		2490	00	06	02
		1955	00	14	49

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	कुनारपुर - 58	1951/3619	00	03	24
		1938	00	04	65
		1950	00	01	50
		1949	00	01	83
		1948	00	04	01
		1939	00	02	15
		1942	00	14	12
		1932	00	04	62
		1931	00	04	40
		1929	00	10	33
		1928	00	07	65
		1927	00	06	50
		1926	00	04	47
		1904	00	05	55
		1907	00	00	20
		1272	00	06	92
		1271	00	03	62
		1270	00	02	00
		1269	00	02	00
		1268	00	02	57
		1267	00	03	14
		1264	00	04	38
		1262	00	03	41
		1282	00	01	99
		1283	00	06	17
		1287	00	03	43
		1285	00	01	67
		1286	00	05	72
		1292	00	02	14
		1435	00	02	61
		1434	00	01	63
		1325	00	02	79
		1324	00	01	36
		1323	00	01	80
		1322	00	00	38
		1326	00	00	27
		1327	00	01	23
		1328	00	01	38
		1319	00	02	08

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	कुनारपुर - 58	1318	00	01	88
		1330	00	00	20
		1331	00	02	50
		1317	00	01	07
		1315	00	00	20
		1332	00	01	70
		1334	00	01	71
		1336	00	06	04
		776	00	02	49
		3419	00	00	20
		710	00	05	85
		711	00	01	73
		712	00	03	73
		3277	00	00	20
		714	00	02	03
		713	00	00	70
		765	00	04	38
		764	00	03	10
		3470	00	00	20
		3472	00	00	79
		763	00	01	20
		627	00	00	51
		741	00	03	11
		740	00	02	07
		736	00	03	17
		737	00	02	39
		504	00	01	34
		503	00	00	62
		502	00	00	78
		3368	00	01	08
		501	00	02	51
		500	00	01	83
		499	00	06	20
		498	00	00	36
		490	00	06	99
		491	00	00	53
		488	00	00	20
		487	00	10	05
		486	00	02	67

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	कुनारपुर - 58	493	00	00	44
		422	00	00	36
		3348	00	01	62
		423	00	03	51
		3349	00	01	69
		428	00	03	89
		427	00	02	28
		426	00	02	65
		426	00	02	65
		363	00	01	75
		430	00	00	44
		345	00	05	69
		344	00	03	77
		343	00	03	42
		342	00	01	97
		348	00	00	20
		340	00	05	50
		339	00	01	32
		298	00	03	01
		295	00	02	14
		296	00	00	20
		294	00	01	97
		293	00	00	64
		292	00	02	95
		299	00	01	10
		290	00	01	52
		257	00	00	82
		258	00	01	62
		256	00	04	02
		254	00	00	43
		3782	00	02	30
		250	00	01	47
		251	00	00	20
		253	00	00	20
		249	00	01	42
		242	00	04	84
		244	00	00	34
		243	00	03	40
		240	00	07	71

(1)	(2)	(3)	(4)	(5)	(6)
सुताहटा - II	कुनारपुर - 58	238	00	09	13
		237	00	00	20
		234	00	07	34
		232	00	05	59

[फा. सं. आर-11025(11)/22/2018-ओआर-I/ई-27779]

नोवस किन्डो, अवर सचिव

New Delhi, the 10th January, 2019

S. O. 102.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Biswanath Samajder, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, P.O. Duilya, Andul-Mouri, Mourigram, Howrah-711302 (West Bengal).

SCHEDULE

District : Purba Medinipur			State : West Bengal		
Police Station	Name of Mouza	Survey No.	Area		
			Hectare	Are	Square Metre

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kismat Shibramnagar - 94	1681	00	00	86
		1682	00	02	25
		1675	00	00	54
		1674	00	00	79
		1673	00	01	99
		1672	00	01	52
		1671	00	01	38
		1664	00	01	43
		1648	00	00	25
		1652	00	02	12
		1649	00	03	25
		1650	00	00	41
		1631	00	00	84
		1630	00	01	20
		1130	00	01	94
		1131	00	04	86
		1134	00	00	89
		1137	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kismat Shibramnagar - 94	1135	00	01	23
		1136	00	01	90
		1140	00	00	49
		1309	00	10	01
		1308	00	00	71
		1318	00	11	33
		1326	00	03	29
		1330	00	00	20
		1328	00	03	66
		1329	00	06	46
		1348	00	00	20
		1331	00	10	42
		1295	00	09	18
		1297	00	09	93
		1282	00	11	78
		1283	00	00	73
		1220	00	00	89
		977	00	01	17
		976	00	10	93
		966	00	05	10
		983	00	05	29
		965	00	05	80
		962	00	05	56
		956	00	02	87
		955	00	05	77
		954	00	10	34
		939	00	01	97
		917	00	11	49
		916	00	03	37
		905	00	09	55
		903	00	01	93
		814	00	00	62
		902	00	02	40
		815	00	00	33
		816	00	01	40
		817	00	02	91
		818	00	06	24
		2800	00	01	00
		821	00	00	20
		2801	00	00	20
		908	00	01	97

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kismat Shibramnagar - 94	810	00	01	22
		811	00	00	56
		807	00	00	34
		808	00	03	83
		809	00	04	08
		786	00	04	27
		787	00	01	48
		788	00	01	36
		789	00	00	90
		790	00	00	20
		795	00	00	20
		794	00	00	53
		793	00	01	72
		792	00	11	07
		775	00	00	20
		774	00	04	27
		754	00	00	20
		773	00	01	67
		756	00	01	89
		758	00	04	93
		741	00	00	74
		734	00	00	69
		717	00	11	10
		716	00	03	37
		714	00	01	28
		713	00	00	68
		702	00	17	10
		703	00	00	20
		705	00	00	28
		698	00	03	55
		697	00	01	79
		707	00	02	65
		696	00	05	18
		695	00	06	03
		685	00	02	09
		686	00	02	58
		687	00	01	89
		688	00	01	36
		690	00	02	19
		654	00	06	08
		655	00	07	33

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kismat Shibramnagar - 94	657	00	02	63
		656	00	05	88
		658	00	07	75
		1342	00	08	37
		1341	00	00	20
		1343	00	02	48
		1346	00	06	28
		1347	00	01	31
Sutahata - II	Chaulkhola - 93	2500	00	00	66
		2501	00	28	29
		2515	00	05	63
		2516	00	04	57
		2517	00	06	00
		2518	00	00	20
		2519	00	03	65
		2520	00	03	29
		2311	00	01	01
		2350	00	01	31
		2351	00	07	60
		2356	00	00	55
		2353	00	03	98
		2352	00	02	50
		2367	00	03	87
		2358	00	00	49
		2366	00	01	78
		2365	00	01	45
		2363	00	03	67
		2361	00	00	57
		2411	00	01	19
		2362	00	04	04
		2412	00	12	98
		2414	00	00	20
		2415	00	00	20
		2418	00	06	01
		2417	00	06	56
		1543	00	14	88
		1542	00	00	22
		1522	00	05	56
		1521	00	03	52
		1520	00	03	35
		1519	00	05	10

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Chaulkhola - 93	1517	00	03	61
		1555	00	03	18
		1516	00	00	77
		1556	00	07	92
		1510	00	10	08
		1509	00	02	44
		1594	00	00	20
		1595	00	00	67
		1508	00	00	93
		1596	00	02	27
		1597	00	05	29
		1507	00	00	35
		1506	00	09	11
		1598	00	01	64
		1412	00	01	22
		2703	00	14	79
		1445	00	01	37
		1440	00	07	70
		1443	00	00	20
		1442	00	03	54
		1441	00	00	96
		1401	00	01	92
Sutahata - II	Barabari - 60	1250	00	00	36
		1249	00	03	27
		1248	00	00	20
		1251	00	03	46
		1240	00	00	94
		1254	00	03	14
		1255	00	02	62
		1256	00	08	26
		1257	00	09	39
		1267	00	07	28
		1293	00	21	62
		1292	00	00	98
		1279	00	03	70
		1288	00	06	35
		1289	00	02	27
		1282	00	07	58
		1281	00	03	80
		1184	00	00	20
		1183	00	02	16

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Barabari - 60	1283	00	04	22
		1181	00	03	91
		1179	00	01	59
		1180	00	09	04
		1178	00	14	21
		1174	00	00	20
		1173	00	04	55
		1601	00	13	74
		1602	00	00	20
		1602/2853	00	00	48
		1606	00	11	72
		1607	00	06	87
		1623	00	07	53
		1622/2984	00	03	60
		1622	00	11	16
		1621	00	08	41
		1620	00	05	68
		332	00	02	86
		1780	00	03	24
		331	00	19	74
		1781	00	00	27
		1784	00	02	01
		1785	00	01	58
		1786	00	02	59
		1792	00	07	77
		329	00	04	62
		1793	00	06	42
		325	00	05	63
		324	00	07	17
		323	00	04	50
		318	00	00	92
		317	00	11	04
		312	00	16	69
Sutahata - II	Bar Bajitpur - 59	612	00	00	32
		628	00	02	08
		629	00	02	46
		2585	00	16	24
		626	00	11	09
		624	00	09	96
		326	00	00	20
		313	00	07	99

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Bar Bajitpur - 59	325	00	01	12
		314	00	06	78
		315	00	03	61
		317	00	10	90
		2303	00	00	20
		318	00	04	37
		293	00	07	90
		292	00	02	24
		294	00	02	46
		295	00	00	20
		2302	00	06	33
		2301	00	02	24
		289	00	03	91
		288	00	08	06
		2300	00	02	93
		287	00	01	20
		286	00	02	92
		219	00	01	04
		191	00	00	75
		194	00	08	50
		196	00	04	97
		198	00	04	34
		199	00	03	75
		227	00	00	20
		188	00	08	58
		186	00	14	27
		2261	00	08	63
		177	00	00	34
		2262	00	00	75
		2285	00	00	20
		179/2286	00	03	75
		179	00	03	66
		180	00	00	24
		183	00	00	21
		182	00	05	97
		181	00	00	31
		636	00	01	78
		697	00	04	06
		696	00	08	92
		699	00	02	67
		722	00	06	67

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Bar Bajitpur - 59	723	00	04	56
		721	00	01	53
		724	00	03	38
		725	00	01	72
		726	00	01	82
		727	00	01	45
		728	00	07	29
		730	00	02	43
		731	00	00	20
		732	00	07	51
		741/2356	00	04	46
		736	00	01	15
		741	00	11	07
		2357	00	00	20
		737	00	02	92
		116	00	02	45
		38	00	03	42
		39	00	03	71
		44	00	03	36
		45	00	07	77
		46	00	01	46
		48	00	03	94
		51	00	03	64
		55	00	03	49
		63	00	01	26
		62	00	07	89
		61	00	00	20
		65	00	08	92
		69	00	09	13
		69/2272	00	01	91
		21	00	03	32
		10	00	02	73
		13	00	12	27
		11	00	00	36
		10/2265	00	02	03
		11/2268	00	04	38
		2	00	01	00
Sutahata - II	Kunarpur - 58	2494	00	08	06
		2493	00	04	68
		2492	00	14	43
		2489	00	08	89

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kunarpur - 58	2490	00	06	02
		1955	00	14	49
		1951/3619	00	03	24
		1938	00	04	65
		1950	00	01	50
		1949	00	01	83
		1948	00	04	01
		1942	00	14	12
		1932	00	04	62
		1931	00	04	40
		1929	00	10	33
		1928	00	07	65
		1927	00	06	50
		1926	00	04	47
		1904	00	05	55
		1907	00	00	20
		1272	00	06	92
		1271	00	03	62
		1270	00	02	00
		1269	00	02	00
		1268	00	02	57
		1267	00	03	14
		1264	00	04	38
		1262	00	03	41
		1282	00	01	99
		1283	00	06	17
		1287	00	03	43
		1285	00	01	67
		1286	00	05	72
		1292	00	02	14
		1435	00	02	61
		1434	00	01	63
		1325	00	02	79
		1324	00	01	36
		1323	00	01	80
		1322	00	00	38
		1326	00	00	27
		1327	00	01	23
		1328	00	01	38
		1319	00	02	08
		1318	00	01	88

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kunarpur - 58	1330	00	00	20
		1331	00	02	50
		1317	00	01	07
		1315	00	00	20
		1332	00	01	70
		1334	00	01	71
		1336	00	06	04
		776	00	02	49
		3419	00	00	20
		710	00	05	85
		711	00	01	73
		712	00	03	73
		3277	00	00	20
		714	00	02	03
		713	00	00	70
		765	00	04	38
		764	00	03	10
		3470	00	00	20
		3472	00	00	79
		763	00	01	20
		627	00	00	51
		741	00	03	11
		740	00	02	07
		736	00	03	17
		737	00	02	39
		504	00	01	34
		503	00	00	62
		502	00	00	78
		3368	00	01	08
		501	00	02	51
		500	00	01	83
		499	00	06	20
		498	00	00	36
		490	00	06	99
		491	00	00	53
		488	00	00	20
		487	00	10	05
		486	00	02	67
		493	00	00	44
		422	00	00	36
		3348	00	01	62

(1)	(2)	(3)	(4)	(5)	(6)
Sutahata - II	Kunarpur - 58	423	00	03	51
		3349	00	01	69
		428	00	03	89
		427	00	02	28
		426	00	02	65
		426	00	02	65
		363	00	01	75
		430	00	00	44
		345	00	05	69
		344	00	03	77
		343	00	03	42
		342	00	01	97
		348	00	00	20
		340	00	05	50
		339	00	01	32
		298	00	03	01
		295	00	02	14
		296	00	00	20
		294	00	01	97
		293	00	00	64
		292	00	02	95
		299	00	01	10
		290	00	01	52
		257	00	00	82
		258	00	01	62
		256	00	04	02
		254	00	00	43
		3782	00	02	30
		250	00	01	47
		251	00	00	20
		253	00	00	20
		249	00	01	42
		242	00	04	84
		244	00	00	34
		243	00	03	40
		240	00	07	71
		238	00	09	13
		237	00	00	20
		234	00	07	34
		232	00	05	59

नई दिल्ली, 10 जनवरी, 2019

का.आ. 103.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार,पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है,उस तारीख से जिसको,भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है,इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाये जाने हेतु उपयोग के अधिकार के अर्जन के लिए,श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड(पाइपलाइंस डिविजन), हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना, बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी ऑयल रिफ़ाइनरी, जिला बेगूसराय,पिन- 851114 (बिहार) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला बेगूसराय		राज्य : बिहार			
अंचल	मौज़ा का नाम	सर्वे/ प्लॉट नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर

(1)	(2)	(3)	(4)	(5)	(6)
बरौनी	भभौर - 548	519	00	06	07
		520	00	11	93
		537	00	03	14
		536	00	04	93
		535	00	12	10
		534	00	06	45
		540	00	06	11
		555	00	00	91
		548	00	23	61
		547	00	00	45
		549	00	01	04
		550	00	09	31
		551	00	11	90
		560	00	01	58
		569	00	07	01

(1)	(2)	(3)	(4)	(5)	(6)
बरौनी	सिसवा – 558	568	00	18	54
		567	00	14	98
		590	00	22	88
		609	00	09	68
		608	00	04	81
		607	00	04	97
		606	00	06	40
		9	00	08	58
		11	00	11	81
		6	00	06	90
		26	00	10	59
		29	00	06	36
		28	00	04	66
		37	00	02	11
		27	00	04	71
		38	00	07	92
		39	00	05	96
		40	00	10	29
		51	00	04	42
बरौनी	अलमोचक – 556	27	00	07	93
		26	00	07	67
		28	00	10	77
बरौनी	केसावे – 557	1499	00	08	94
		1500	00	28	21
		1354	00	01	36
		1353	00	01	70
		1352	00	00	68
मटीहानी	रामदीरी – 418	543	00	04	77
		544	00	01	33
		545	00	04	53
		542	00	00	71
		539	00	18	75
		537	00	10	48
		557	00	09	32
		558	00	02	98
		561	00	02	97
		562	00	02	69
		572	00	03	51
		574	00	01	80

(1)	(2)	(3)	(4)	(5)	(6)
मटीहानी	रामदीरी – 418	575	00	02	30
		576	00	05	12
		577	00	02	84
		580	00	10	34
		582	00	02	28
		583	00	03	70
		584	00	02	66
		585	00	02	41
		491	00	01	95
		490	00	06	26
		487	00	01	13
		486	00	03	75
		609	00	00	30
		586	00	00	37
		608	00	05	60
		610	00	00	65
		611	00	05	01
		632	00	05	57
		621	00	01	70
		622	00	02	51
		624	00	03	92
		625	00	03	39
		627	00	03	36
		631	00	06	26
		639	00	07	80
		640	00	03	71
		658	00	02	05
		653	00	16	32
		652	00	05	42
		651	00	03	84
		650	00	00	88

[सं. आर-11025(11)/1/2019-ओआर-I/ई-28108]

नोवस किन्डो, अवर सचिव

New Delhi, the 10th January, 2019

S. O. 103.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Pipeline Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114.

SCHEDULE

District : Begusarai			State : Bihar		
Anchal	Name of Mouza	Survey / Plot No.	Area		
			Hectare	Are	Square Metre
(1)	(2)	(3)	(4)	(5)	(6)
Barauni	Bhabhaur – 548	519	00	06	07
		520	00	11	93
		537	00	03	14
		536	00	04	93
		535	00	12	10
		534	00	06	45
		540	00	06	11
		555	00	00	91
		548	00	23	61
		547	00	00	45
		549	00	01	04
		550	00	09	31
		551	00	11	90
		560	00	01	58
		569	00	07	01
		568	00	18	54
		567	00	14	98
		590	00	22	88
		609	00	09	68
		608	00	04	81
Barauni	Sisva-558	607	00	04	97
		606	00	06	40
		9	00	08	58
		11	00	11	81
		6	00	06	90
		26	00	10	59
		29	00	06	36
		28	00	04	66
		37	00	02	11
		27	00	04	71

(1)	(2)	(3)	(4)	(5)	(6)
Barauni	Sisva – 558	38	00	07	92
		39	00	05	96
		40	00	10	29
		51	00	04	42
Barauni	Almochak – 556	27	00	07	93
		26	00	07	67
		28	00	10	77
Barauni	Kesabe – 557	1499	00	08	94
		1500	00	28	21
		1354	00	01	36
		1353	00	01	70
		1352	00	00	68
Matihani	Ramdiri – 418	543	00	04	77
		544	00	01	33
		545	00	04	53
		542	00	00	71
		539	00	18	75
		537	00	10	48
		557	00	09	32
		558	00	02	98
		561	00	02	97
		562	00	02	69
		572	00	03	51
		574	00	01	80
		575	00	02	30
		576	00	05	12
		577	00	02	84
		580	00	10	34
		582	00	02	28
		583	00	03	70
		584	00	02	66
		585	00	02	41
		491	00	01	95
		490	00	06	26
		487	00	01	13
		486	00	03	75
		609	00	00	30
		586	00	00	37
		608	00	05	60
		610	00	00	65
		611	00	05	01

(1)	(2)	(3)	(4)	(5)	(6)
Matihani	Ramdiri – 418	632	00	05	57
		621	00	01	70
		622	00	02	51
		624	00	03	92
		625	00	03	39
		627	00	03	36
		631	00	06	26
		639	00	07	80
		640	00	03	71
		658	00	02	05
		653	00	16	32
		652	00	05	42
		651	00	03	84
		650	00	00	88

[No. R-11025(11)/1/2019-OR-I/E-28108]

NOAS KINDO, Under Secy.

शुद्धि – पत्र

नई दिल्ली, 10 जनवरी, 2019

का. आ. 104.—पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय में भारत सरकार की अधिसूचना के का. आ. संख्या 2861 दिनांक 18.12.2017, भारत के साप्ताहिक राजपत्र संख्या 51, दिनांक 17.12.2017 से 23.12.2017 के भाग II, धारा 3, उपधारा (ii) में 9774 पृष्ठ पर प्रकाशित, में निम्नलिखित संशोधन करता है अर्थात्: —

उक्त अधिसूचना में,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि हल्दिया- बरौनी पाइपलाइन परियोजना के अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु पश्चिम बंगाल राज्य के हल्दिया रिफ़ाइनरी से बिहार राज्य के बरौनी रिफ़ाइनरी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

संख्याओं और शब्दों के स्थान पर,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना, बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

पढ़ा जाए।

[सं. आर-11025(11)/1/2019-ओआर-I/ई-28108]

नोवस किन्डो, अवर सचिव

ERRATUM

New Delhi, the 10th January, 2019

S. O. 104.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S. O. number 2861 dated 18.12.2017, published at pages 9807 in part II, section 3, sub-section (ii) of the weekly Gazette of India No.51, dated 17.12.2017 to 23.12.2017, namely:-

In the said notification, for the numbers and words,

"Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Haldia Refinery in the state of West Bengal to Barauni Refinery in the State of Bihar a pipeline should be laid by Indian Oil Corporation Limited" and

"Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Pipeline Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)"

the numbers and words,

"Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited" and

"Shri Bhuneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Pipelines Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)"

shall be substituted.

[No. R-11025(11)/1/2019-OR-I/E-28108]

NOAS KINDO, Under Secy.

शुद्धि – पत्र

नई दिल्ली, 10 जनवरी, 2019

का. आ. 105.—पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय में भारत सरकार की अधिसूचना के का. आ. संख्या 2860 दिनांक 18.12.2017, भारत के साप्ताहिक राजपत्र संख्या 51, दिनांक 17.12.2017 से 23.12.2017 के भाग II, धारा 3, उपधारा (ii) में 9675 पृष्ठ पर प्रकाशित, में निम्नलिखित संशोधन करता है अर्थात्: -

उक्त अधिसूचना में,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि हल्दिया- बरौनी पाइपलाइन पारियोजना के अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु पश्चिम बंगाल राज्य के हल्दिया रिफ़ाइनरी से बिहार राज्य के बरौनी रिफ़ाइनरी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

संख्याओं और शब्दों के स्थान पर,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना, बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

पढ़ा जाए।

[सं. आर-11025(11)/1/2019-ओआर-I/ई-28108]

नोवस किन्डो, अवर सचिव

ERRATUM

New Delhi, the 10th January, 2019

S. O. 105.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S. O. number 2860 dated 18.12.2017, published at pages 9724 in part II, section 3, sub-section (ii) of the weekly Gazette of India No.51, dated 17.12.2017 to 23.12.2017, namely:-

In the said notification, for the numbers and words,

"Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Haldia Refinery in the state of West Bengal to Barauni Refinery in the State of Bihar a pipeline should be laid by Indian Oil Corporation Limited" and

"Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Pipeline Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)"

the numbers and words,

"Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited" and

"Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Pipelines Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)"

shall be substituted.

[No. R-11025(11)/1/2019-OR-I/E-28108]

NOAS KINDO, Under Secy.

शुद्धि – पत्र

नई दिल्ली, 10 जनवरी, 2019

का. आ. 106.—पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय में भारत सरकार की अधिसूचना के का. आ. संख्या 56 दिनांक 11.01.2018, भारत के साप्ताहिक राजपत्र संख्या 02, दिनांक 17.01.2018 से 13.01.2018 के भाग II, धारा 3, उपधारा (ii) में 137-138 पृष्ठ पर प्रकाशित, में निम्नलिखित संशोधन करता है अर्थात्: -

उक्त अधिसूचना में,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि हल्दिया- बरौनी पाइपलाइन परियोजना के अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु पश्चिम बंगाल राज्य के हल्दिया रिफ़ाइनरी से बिहार राज्य के बरौनी रिफ़ाइनरी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

संख्याओं और शब्दों के स्थान पर,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना, बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

पढ़ा जाए।

[सं. आर-11025(11)/1/2019-ओआर-I/ई-28108]

नोवस किन्डो, अवर सचिव

ERRATUM

New Delhi, the 10th January, 2019

S. O. 106.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S. O. number 56 dated 11.01.2018, published at pages 149 in part II, section 3, sub-section (ii) of the weekly Gazette of India No.02, dated 07.01.2018 to 13.01.2018, namely:—

In the said notification, for the numbers and words,

“Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Haldia Refinery in the state of West Bengal to Barauni Refinery in the State of Bihar a pipeline should be laid by Indian Oil Corporation Limited” and

“Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Pipelines Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)”

the numbers and words,

“Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited” and

“Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Pipeline Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)”

shall be substituted.

[No. R-11025(11)1/2019-OR-I/E-28108]

NOAS KINDO, Under Secy.

नई दिल्ली, 10 जनवरी, 2019

का. आ. 107.—केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाये जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री विश्वनाथ समाजदार, सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-बरौनी पाइपलाइन सिस्टम परियोजना, डाकघर – दुईल्या, आन्दुल – मौरी, मौरीग्राम, हावड़ा -711302 (पश्चिम बंगाल) को लिखित रूप में आक्षेप भेज सकेगा ।

अनुसूची

जिला : बर्द्धमान			राज्य : पश्चिम बंगाल		
थाना	मौज़ा का नाम	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
औसग्राम - I	गुसकरा - 110	585	00	04	31
		588	00	00	20
		586	00	02	26
		579	00	00	20
		583	00	00	33
		582	00	03	24
		581	00	01	00
		3403	00	01	01
औसग्राम - I	अलुटिया - 102	3404	00	09	11
		3388	00	02	29
		3380	00	01	77
		3381	00	00	41
		3379	00	00	20
		3382	00	05	06
		3386	00	00	20
		3385	00	00	73

(1)	(2)	(3)	(4)	(5)	(6)
औसग्राम - I	अलुटिया - 102	3383	00	02	74
		3369	00	00	20
		3223	00	02	32
		3363	00	05	94
		3362	00	02	37
		3322	00	02	64
		3324	00	01	52
		3310	00	02	52
		3309	00	03	94
		3308	00	02	35
		3303	00	00	20
		3304	00	04	71
		3079	00	02	29
		3078	00	03	11
		3077	00	00	20
		3071	00	04	90
		3069	00	00	20
		3070	00	01	03
		3062	00	00	83
		3063	00	02	51
		3064	00	00	45
		3060	00	01	07
		3065	00	01	30
		3059	00	01	27
		2827	00	04	48
		2828	00	03	36
		3057	00	00	20
		2829	00	02	71
		2838	00	03	74
		2837	00	08	29
		3439	00	00	85
		2836	00	00	53
		2857	00	07	82
		3560	00	08	61
		2864	00	04	34
		2744	00	05	25
		2746	00	03	48
		2733	00	00	68
		2734	00	01	94

(1)	(2)	(3)	(4)	(5)	(6)
औसग्राम - I	अलुटिया - 102	2735	00	00	20
		3555	00	04	29
		3554	00	00	91
		2730	00	05	56
		628	00	05	81
		627	00	01	79
		624	00	00	20
		622/3512	00	07	58
		286	00	00	85
		393	00	08	19
		392	00	00	42
		3501	00	06	82
		750	00	03	17
		407	00	04	72
		405	00	00	20
		409	00	06	01
		411	00	02	25
		410	00	01	43
		3502	00	00	85
		413	00	04	32
		415	00	04	01
		329	00	02	00
		734	00	03	70
		233	00	02	78
		736	00	09	33
		235	00	00	45
		234	00	06	97
		723	00	02	70
		722	00	04	24
		186	00	03	17
		193	00	04	34
		195	00	02	57
		185	00	02	99
		181	00	04	05
		180	00	03	18
		151	00	00	80
		179	00	01	49
		150	00	03	12
		103	00	05	86

(1)	(2)	(3)	(4)	(5)	(6)
औसग्राम - I	अलुटिया - 102	104	00	08	70
		96	00	02	01
		713	00	03	32
		95	00	07	43
		94	00	02	85
		1	00	07	25
औसग्राम - I	बेलुटि - 75	1637	00	08	89
		1636	00	04	51
		1635	00	01	90
		1623	00	00	97
		1628	00	10	46
		1629	00	01	44
		1630	00	01	18
		1581	00	04	11
		1575	00	02	45
		1574	00	03	91
		1573	00	01	68
		1567	00	00	99
		1565	00	08	05
		1561	00	01	29
		1560	00	00	69
		1566	00	02	83
		1559	00	00	72
		1508	00	07	06
		1515	00	01	77
		1514	00	03	98
		1510	00	00	20
		1513	00	05	88
		1477	00	00	42
		1478	00	02	61
		1479	00	00	20
		1480	00	00	45
		1481	00	01	36
		1482	00	01	54
		1483	00	01	72
		1484	00	00	73
		1470	00	01	26
		1486	00	01	16
		1469	00	02	16

(1)	(2)	(3)	(4)	(5)	(6)
औसग्राम - I	बेलुटि - 75	1468	00	03	61
		1467	00	01	15
		1448	00	03	42
		1457	00	00	80
		1456	00	00	27
		1449	00	04	45
		1450	00	02	56
		1442	00	00	32
		1445	00	01	75
		1443	00	01	45
		1444	00	00	71
		746	00	01	79
		747	00	00	74
		745	00	02	26
		748	00	03	00
		750	00	01	84
		323	00	20	59
		750/768	00	01	27
		733	00	00	20
		734	00	00	20
		732	00	00	20
		753	00	00	69
		567	00	03	25
		564	00	00	94
		565	00	00	20
		562	00	01	72
		545	00	02	52
		560	00	02	39
		544	00	03	83
		795	00	02	22
		542	00	08	38
		324	00	02	92
		188	00	01	52
		322	00	04	19
		321	00	01	67
		320	00	20	52
		154	00	06	63
		157	00	01	63
		153	00	00	58

(1)	(2)	(3)	(4)	(5)	(6)
औसग्राम - I	बेलुटि - 75	152	00	02	21
		151	00	01	18
		149	00	00	20
		150	00	01	54
		146	00	00	20
		161	00	05	06
		140	00	02	62
		139	00	04	04
		137	00	05	02
		136	00	00	80
		135	00	03	44
		134	00	01	55
		119	00	00	20
		120	00	07	43
		122	00	00	80
		121	00	04	13
		96	00	02	87
		88	00	02	29
		87	00	07	75
		52	00	04	86
		48	00	02	13
		51	00	00	54
		49	00	03	51
		37	00	10	74
		38	00	06	86
		42	00	01	91
		39	00	05	41
		41	00	00	20
		40	00	03	64

[सं. आर-11025(11)/22/2018-ओआर-I/ई-27779]

नोवस किन्डो, अवर सचिव

New Delhi, the 10th January, 2019

S. O. 107.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Biswanath Samajder, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, P.O. Duilya, Andul - Mouri, Mourigram, Howrah - 711 302 (West Bengal).

“SCHEDULE ANNEXED”

SCHEDULE

District : Burdwan			State : West Bengal		
Police Station	Name of Mouza	Survey No.	Area		
			Hectare	Are	Square Metre

(1)	(2)	(3)	(4)	(5)	(6)
Ausgram - I	Guskara - 110	585	00	04	31
		588	00	00	20
		586	00	02	26
		579	00	00	20
		583	00	00	33
		582	00	03	24
		581	00	01	00
		3403	00	01	01
Ausgram - I	Alutia - 102	3404	00	09	11
		3388	00	02	29
		3380	00	01	77
		3381	00	00	41
		3379	00	00	20
		3382	00	05	06
		3386	00	00	20
		3385	00	00	73
		3383	00	02	74
		3369	00	00	20
		3223	00	02	32
		3363	00	05	94
		3362	00	02	37
		3322	00	02	64
		3324	00	01	52
		3310	00	02	52
		3309	00	03	94
		3308	00	02	35
		3303	00	00	20
		3304	00	04	71
		3079	00	02	29
		3078	00	03	11
		3077	00	00	20
		3071	00	04	90

(1)	(2)	(3)	(4)	(5)	(6)
Ausgram - I	Alutia - 102	3069	00	00	20
		3070	00	01	03
		3062	00	00	83
		3063	00	02	51
		3064	00	00	45
		3060	00	01	07
		3065	00	01	30
		3059	00	01	27
		2827	00	04	48
		2828	00	03	36
		3057	00	00	20
		2829	00	02	71
		2838	00	03	74
		2837	00	08	29
		3439	00	00	85
		2836	00	00	53
		2857	00	07	82
		3560	00	08	61
		2864	00	04	34
		2744	00	05	25
		2746	00	03	48
		2733	00	00	68
		2734	00	01	94
		2735	00	00	20
		3555	00	04	29
		3554	00	00	91
		2730	00	05	56
		628	00	05	81
		627	00	01	79
		624	00	00	20
		622/3512	00	07	58
		286	00	00	85
		393	00	08	19
		392	00	00	42
		3501	00	06	82
		750	00	03	17
		407	00	04	72
		405	00	00	20
		409	00	06	01
		411	00	02	25
		410	00	01	43

(1)	(2)	(3)	(4)	(5)	(6)
Ausgram - I	Alutia - 102	3502	00	00	85
		413	00	04	32
		415	00	04	01
		329	00	02	00
		734	00	03	70
		233	00	02	78
		736	00	09	33
		235	00	00	45
		234	00	06	97
		723	00	02	70
		722	00	04	24
		186	00	03	17
		193	00	04	34
		195	00	02	57
		185	00	02	99
		181	00	04	05
		180	00	03	18
		151	00	00	80
		179	00	01	49
		150	00	03	12
		103	00	05	86
		104	00	08	70
		96	00	02	01
		713	00	03	32
		95	00	07	43
		94	00	02	85
		1	00	07	25
Ausgram - I	Beluti - 75	1637	00	08	89
		1636	00	04	51
		1635	00	01	90
		1623	00	00	97
		1628	00	10	46
		1629	00	01	44
		1630	00	01	18
		1581	00	04	11
		1575	00	02	45
		1574	00	03	91
		1573	00	01	68
		1567	00	00	99
		1565	00	08	05
		1561	00	01	29

(1)	(2)	(3)	(4)	(5)	(6)
Ausgram - I	Beluti - 75	1560	00	00	69
		1566	00	02	83
		1559	00	00	72
		1508	00	07	06
		1515	00	01	77
		1514	00	03	98
		1510	00	00	20
		1513	00	05	88
		1477	00	00	42
		1478	00	02	61
		1479	00	00	20
		1480	00	00	45
		1481	00	01	36
		1482	00	01	54
		1483	00	01	72
		1484	00	00	73
		1470	00	01	26
		1486	00	01	16
		1469	00	02	16
		1468	00	03	61
		1467	00	01	15
		1448	00	03	42
		1457	00	00	80
		1456	00	00	27
		1449	00	04	45
		1450	00	02	56
		1442	00	00	32
		1445	00	01	75
		1443	00	01	45
		1444	00	00	71
		746	00	01	79
		747	00	00	74
		745	00	02	26
		748	00	03	00
		750	00	01	84
		323	00	20	59
		750/768	00	01	27
		733	00	00	20
		734	00	00	20
		732	00	00	20
		753	00	00	69

(1)	(2)	(3)	(4)	(5)	(6)
Ausgram - I	Beluti - 75	567	00	03	25
		564	00	00	94
		565	00	00	20
		562	00	01	72
		545	00	02	52
		560	00	02	39
		544	00	03	83
		795	00	02	22
		542	00	08	38
		324	00	02	92
		188	00	01	52
		322	00	04	19
		321	00	01	67
		320	00	20	52
		154	00	06	63
		157	00	01	63
		153	00	00	58
		152	00	02	21
		151	00	01	18
		149	00	00	20
		150	00	01	54
		146	00	00	20
		161	00	05	06
		140	00	02	62
		139	00	04	04
		137	00	05	02
		136	00	00	80
		135	00	03	44
		134	00	01	55
		119	00	00	20
		120	00	07	43
		122	00	00	80
		121	00	04	13
		96	00	02	87
		88	00	02	29
		87	00	07	75
		52	00	04	86
		48	00	02	13
		51	00	00	54
		49	00	03	51
		37	00	10	74

(1)	(2)	(3)	(4)	(5)	(6)
Ausgram - I	Beluti - 75	38	00	06	86
		42	00	01	91
		39	00	05	41
		41	00	00	20
		40	00	03	64

[No. R-11025(11)/22/2018-OR-I/E-27779]

NOAS KINDO, Under Secy.

नई दिल्ली, 10 जनवरी, 2019

का.आ. 108.— केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में जिसके भीतर उक्त पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितवद्ध है, उस तारीख से जिसको, भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के अन्दर, भूमि के भीतर पाइपलाइन बिछाये जाने हेतु उपयोग के अधिकार के अर्जन के लिए, श्री अजय सिंह बड़ाईक (झा० प्र० से०), सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड, हल्दिया-बरौनी पाइपलाइन सिस्टम प्रोजेक्ट, देवघर पैलेस, तीसरा तल, वी०आई०पी चौक, देवघर -814112 (झारखंड)।

अनुसूची

जिला : जमताड़ा			राज्य : झारखंड		
तहसील	गाँव	सर्वे नम्बर	क्षेत्रफल		
			हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	उदलजुड़ि - 4	1627	00	02	26
		1626	00	03	17
		1625	00	05	26
		1612	00	01	39
		1558	00	00	59
		1557	00	01	73
		1560	00	03	49
		1559	00	00	89
		1515	00	03	79
		1575	00	00	27

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	उदलजुडि - 4	1576	00	01	55
		1573	00	00	45
		1574	00	01	34
		1564	00	01	89
		1567	00	00	61
		1568	00	00	20
		1566	00	02	25
		1234	00	00	82
		1233	00	00	20
		1235	00	02	70
		1232	00	01	19
		1237	00	03	43
		1238	00	00	20
		1282	00	02	70
		1283	00	01	66
		1280	00	02	59
		1286	00	00	38
		1279	00	00	29
		1287	00	01	12
		1335	00	00	51
		1288	00	01	71
		1289	00	01	08
		1291	00	02	53
		1290	00	00	20
		1302	00	00	47
		1300	00	01	38
		1301	00	02	29
		1307	00	01	85
		1306	00	01	17
		1305	00	01	06
		1324	00	02	22
		1325	00	01	30
		1329	00	00	20
		1326	00	04	55
		1368	00	03	66
		1369	00	00	33
		1370	00	00	59
		1367	00	04	28
		1378	00	00	75

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	उदलजुडि - 4	1379	00	01	77
		1380	00	01	36
		1384	00	04	13
		1383	00	00	81
		1385	00	00	98
		1052	00	00	20
		1053	00	05	62
		1049	00	07	24
		1048	00	11	07
		1047	00	00	55
		1042	00	00	44
		1045	00	03	14
		930	00	04	95
		931	00	05	74
		932	00	00	20
		933	00	05	30
		920	00	00	78
		919	00	07	52
		914	00	00	20
		810	00	00	67
फतेहपुर	सेमुलडुब्री - 12	622	00	00	28
		618	00	00	20
		617	00	00	84
		616	00	02	73
फतेहपुर	उदलजुडि - 4	615	00	00	20
		628	00	02	06
		629	00	01	61
		645	00	00	90
		644	00	00	20
		646	00	02	57
		647	00	01	98
		648	00	03	79
		649	00	01	62
		602	00	01	21
		601	00	01	52
		596	00	01	22
		595	00	00	33
		597	00	01	45
		594	00	01	47

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	उदलजुडि - 4	593	00	00	20
		592	00	00	26
		591	00	00	87
		565	00	00	18
		590	00	02	06
		589	00	00	75
		566	00	01	72
		567	00	02	16
		568	00	03	75
		419	00	01	02
		417	00	00	38
		418	00	02	17
		423	00	00	81
		424	00	00	20
		425	00	00	20
		427	00	03	48
		406	00	00	75
		399	00	11	28
		331	00	02	39
		334	00	03	80
		333	00	04	33
		326	00	07	23
		327	00	01	24
		146	00	02	34
		273	00	02	89
		272	00	13	91
		248	00	04	31
		247	00	00	29
		246	00	02	54
		245	00	01	27
		244	00	01	16
		243	00	01	08
		242	00	00	20
		241	00	01	14
		240	00	02	09
		254	00	01	08
		239	00	01	60
		236	00	00	20
		238	00	02	84

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	उदलजुडि - 4	217	00	01	05
		151	00	00	20
		216	00	00	52
		152	00	08	07
		215	00	00	53
		154	00	02	12
		155	00	00	20
		17	00	00	20
		16	00	04	74
		15	00	01	76
		12	00	02	15
		11	00	01	04
		13	00	02	38
		8	00	00	82
		1	00	04	09
		2	00	02	52
फतेहपुर	खमारचक - 45	137	00	01	46
		136	00	01	80
		134	00	04	09
		143	00	11	40
		235	00	00	24
		147	00	03	38
		148	00	03	62
		149	00	00	20
		150	00	03	63
		151	00	01	40
		152	00	01	06
		155	00	13	30
		161	00	00	38
		157	00	02	45
		156	00	02	41
		108	00	01	20
		109	00	04	81
		110	00	01	17
		111	00	09	38
		117	00	05	09
		114	00	00	40
		113	00	01	12
		112	00	01	86

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	खमारचक - 45	96	00	04	26
फतेहपुर	चड़कमारा - 46	4	00	02	41
		3	00	01	93
		2	00	00	67
		1	00	01	37
फतेहपुर	मझलाडि - 44	332	00	04	94
		331	00	02	36
		329	00	02	55
		330	00	02	01
		312	00	04	05
		291	00	02	26
		292	00	02	07
		293	00	02	00
		303	00	01	61
		301	00	03	23
		266	00	02	04
		267	00	02	58
		268	00	00	28
		757	00	04	40
		265	00	00	79
फतेहपुर	लाकड़ाकुन्दा - 43	269	00	05	62
		283	00	00	39
		256	00	07	71
		258	00	01	60
		259	00	00	66
		245	00	05	36
		244	00	01	79
		243	00	01	28
		242	00	04	96
		241	00	02	38
		225	00	01	68
		195	00	00	96
		116	00	01	69
		113	00	05	29
		114	00	02	30
		115	00	03	09
		118	00	04	55
		117	00	00	38
		119	00	00	82

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	लाकड़ाकुन्दा - 43	122	00	00	41
		120	00	06	92
		112	00	00	36
		16	00	02	47
		15	00	00	61
		17	00	01	24
		18	00	01	87
		19	00	06	94
		24	00	00	20
		25	00	03	85
		28	00	02	96
		29	00	00	38
		30	00	03	80
		32	00	00	46
		31	00	05	12
		33	00	00	20
		1	00	01	05
फतेहपुर	जलौड़ - 19	1143	00	00	20
		611	00	05	98
		607	00	01	94
		608	00	04	49
		609	00	04	95
		603	00	01	00
		599	00	00	68
		600	00	17	41
फतेहपुर	बाबुडी - 25	344	00	03	33
		346	00	03	20
		345	00	04	71
		343	00	00	84
		341	00	02	06
		339	00	00	92
		340	00	03	52
		336	00	11	52
		338	00	08	17
		304	00	00	20
		267	00	01	02
		301	00	01	29
		299	00	05	98
		289	00	02	28

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	बाबुडी - 25	288/755	00	00	88
		291	00	04	12
		115/756	00	01	90
फतेहपुर	दुमदुमी- 22	364	00	02	00
		365	00	01	34
		362	00	03	68
		360	00	01	51
		338	00	02	02
		333	00	04	78
		322	00	08	24
		330	00	02	45
		154	00	03	08
		117	00	01	00
फतेहपुर	कर्माटाँड - 20	109	00	04	83
		108	00	00	20
		106	00	00	75
		4	00	02	98
		3	00	00	20
		2	00	09	30
		1	00	05	78
		1560	00	05	67
		1561	00	03	04
		1559	00	00	53
फतेहपुर	डुमरिया - 21	1558	00	02	77
		1552	00	02	43
		1554	00	03	14
		1553	00	02	99
		1513	00	00	20
		1507	00	01	72
		1508	00	01	27
		1511	00	02	59
		1510	00	00	46
		1476	00	06	80
		1482	00	01	61
		1481	00	00	96
		1480	00	01	71
		1479	00	00	40
		1469	00	00	27
		1477	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	डुमरिया - 21	1478	00	02	31
		1471	00	00	78
		1473	00	04	08
		1472	00	05	13
		1394	00	03	95
		1399	00	03	18
		1397	00	03	48
		1415	00	02	89
		469	00	00	97
		470	00	04	91
		472	00	02	37
		473	00	01	80
		474	00	03	41
		656	00	00	86
		658	00	02	05
		657	00	00	41
		659	00	01	29
		1582	00	00	33
		649	00	05	11
		722	00	01	35
		723	00	04	06
		724	00	01	59
		729	00	03	81
		1578	00	02	35
		730	00	01	32
		733	00	02	61
		732	00	01	30
		736	00	00	79
		734	00	02	04
		735	00	01	70
		772	00	03	39
		609	00	02	95
		773	00	00	27
		774	00	08	48
		788	00	00	42
		787	00	04	89
		786	00	05	53
		784	00	00	48
		785	00	00	88

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	डुमरिया - 21	817	00	12	56
		816	00	04	73
		818	00	06	20
		836	00	00	62
		835	00	00	20
फतेहपुर	अम्बावाँक - 13	1438	00	00	44
		1240	00	00	81
		1245	00	05	06
		1244	00	01	33
		1243	00	06	26
		1300	00	10	61
		1113	00	00	20
		1112	00	03	28
		1111	00	00	67
		1124	00	15	17
		1126	00	02	13
		1127	00	03	27
		1128	00	00	46
		1130	00	01	84
		1148	00	01	11
		1185	00	01	93
		1184	00	00	92
		1183	00	02	44
		1175	00	03	80
		1177	00	00	20
		1173	00	00	20
		1172	00	00	69
		1171	00	02	77
		1170	00	00	20
		1169	00	00	31
फतेहपुर	डौड़पुजा - 15	657	00	00	20
		612	00	00	62
		611	00	01	54
		592	00	00	44
		610	00	00	50
		593	00	00	94
		594	00	01	21
		595	00	01	25
		596	00	00	23

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	डौंडपुजा - 15	597	00	00	20
		591	00	00	94
		590	00	00	21
		588	00	01	51
		587	00	02	17
		586	00	00	20
		598	00	03	91
		599	00	02	98
		576	00	00	20
		541	00	14	11
		575	00	00	34
		574	00	00	20
		542	00	01	11
		543	00	00	20
फतेहपुर	परासी - 14	338	00	00	68
		339	00	03	49
		337	00	01	09
		336	00	02	03
		335	00	05	79
		247	00	04	36
		246	00	00	39
		240	00	00	31
		244	00	02	19
		245	00	00	20
		230	00	02	23
		617	00	00	26
		229	00	10	00
		228	00	01	80
		227	00	00	67
		185	00	02	63
		212	00	01	75
		186	00	04	50
		211	00	01	33
		188	00	07	93
		190	00	03	68
		189	00	04	82
		296	00	00	60
		66	00	03	09
		65	00	04	63

(1)	(2)	(3)	(4)	(5)	(6)
फतेहपुर	परासी - 14	56	00	02	33
		57	00	04	41
		58	00	03	02
		55	00	02	16

[फा. सं. आर-11025(11)/21/2018-ओआर-I/ई-27764]

नोवस किन्डो, अवर सचिव

New Delhi, the 10th January, 2019

S. O. 108.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited;

And whereas, it appears to the Central Government that for the purpose of laying such pipeline, it is necessary to acquire the right of user in land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed hereto;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said schedule may, within twenty-one days from the date on which copies of the Gazette of India containing this notification are made available to the general public, object in writing to the acquisition of the right of user therein for laying of the pipeline under the land to Shri Ajay Singh Baraik, JAS, Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Deoghar Palace, 3rd Floor, VIP Chowk, Deoghar-814112 (Jharkhand).

SCHEDULE

District : JAMTARA			State : JHARKHAND		
Tehsil	Village	Survey No.	Area		
			Hectare	Are	Square Metre

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	UDALJURI - 4	1627	00	02	26
		1626	00	03	17
		1625	00	05	26
		1612	00	01	39
		1558	00	00	59
		1557	00	01	73
		1560	00	03	49
		1559	00	00	89
		1515	00	03	79
		1575	00	00	27
		1576	00	01	55
		1573	00	00	45
		1574	00	01	34

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	UDALJURI - 4	1564	00	01	89
		1567	00	00	61
		1568	00	00	20
		1566	00	02	25
		1234	00	00	82
		1233	00	00	20
		1235	00	02	70
		1232	00	01	19
		1237	00	03	43
		1238	00	00	20
		1282	00	02	70
		1283	00	01	66
		1280	00	02	59
		1286	00	00	38
		1279	00	00	29
		1287	00	01	12
		1335	00	00	51
		1288	00	01	71
		1289	00	01	08
		1291	00	02	53
		1290	00	00	20
		1302	00	00	47
		1300	00	01	38
		1301	00	02	29
		1307	00	01	85
		1306	00	01	17
		1305	00	01	06
		1324	00	02	22
		1325	00	01	30
		1329	00	00	20
		1326	00	04	55
		1368	00	03	66
		1369	00	00	33
		1370	00	00	59
		1367	00	04	28
		1378	00	00	75
		1379	00	01	77
		1380	00	01	36
		1384	00	04	13
		1383	00	00	81
		1385	00	00	98

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	UDALJURI - 4	1052	00	00	20
		1053	00	05	62
		1049	00	07	24
		1048	00	11	07
		1047	00	00	55
		1042	00	00	44
		1045	00	03	14
		930	00	04	95
		931	00	05	74
		932	00	00	20
		933	00	05	30
		920	00	00	78
		919	00	07	52
		914	00	00	20
		810	00	00	67
FATEHPUR	SEMLDUBI - 12	622	00	00	28
		618	00	00	20
		617	00	00	84
		616	00	02	73
		615	00	00	20
		628	00	02	06
		629	00	01	61
		645	00	00	90
		644	00	00	20
		646	00	02	57
		647	00	01	98
		648	00	03	79
		649	00	01	62
		602	00	01	21
		601	00	01	52
		596	00	01	22
		595	00	00	33
		597	00	01	45
		594	00	01	47
		593	00	00	20
		592	00	00	26
		591	00	00	87
		565	00	00	18
		590	00	02	06
		589	00	00	75
		566	00	01	72

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	SEMLDUBI - 12	567	00	02	16
		568	00	03	75
		419	00	01	02
		417	00	00	38
		418	00	02	17
		422	00	02	86
		423	00	00	81
		424	00	00	20
		425	00	00	20
		427	00	03	48
		406	00	00	75
		399	00	11	28
		331	00	02	39
		334	00	03	80
		333	00	04	33
		326	00	07	23
		327	00	01	24
		146	00	02	34
		273	00	02	89
		272	00	13	91
		248	00	04	31
		247	00	00	29
		246	00	02	54
		245	00	01	27
		244	00	01	16
		243	00	01	08
		242	00	00	20
		241	00	01	14
		240	00	02	09
		254	00	01	08
		239	00	01	60
		236	00	00	20
		238	00	02	84
		217	00	01	05
		151	00	00	20
		216	00	00	52
		152	00	08	07
		215	00	00	53
		154	00	02	12
		155	00	00	20
		17	00	00	20

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	SEMLDUBI - 12	16	00	04	74
		15	00	01	76
		12	00	02	15
		11	00	01	04
		13	00	02	38
		8	00	00	82
		1	00	04	09
		2	00	02	52
FATEHPUR	KHAMARCHAK - 45	137	00	01	46
		136	00	01	80
		134	00	04	09
		143	00	11	40
		235	00	00	24
		147	00	03	38
		148	00	03	62
		149	00	00	20
		150	00	03	63
		151	00	01	40
		152	00	01	06
		155	00	13	30
		161	00	00	38
		157	00	02	45
		156	00	02	41
		108	00	01	20
		109	00	04	81
		110	00	01	17
		111	00	09	38
		117	00	05	09
FATEHPUR	CHARAKMARA - 46	114	00	00	40
		113	00	01	12
		112	00	01	86
		96	00	04	26
		4	00	02	41
		3	00	01	93
		2	00	00	67
		1	00	01	37
FATEHPUR	MAJHILA DI - 44	332	00	04	94
		331	00	02	36
		329	00	02	55
		330	00	02	01
		312	00	04	05

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	MAJHILA DI - 44	291	00	02	26
		292	00	02	07
		293	00	02	00
		303	00	01	61
		301	00	03	23
		266	00	02	04
		267	00	02	58
		268	00	00	28
		757	00	04	40
		265	00	00	79
FATEHPUR	LAKRAKUNDA - 43	269	00	05	62
		283	00	00	39
		256	00	07	71
		258	00	01	60
		259	00	00	66
		245	00	05	36
		244	00	01	79
		243	00	01	28
		242	00	04	96
		241	00	02	38
		225	00	01	68
		195	00	00	96
		116	00	01	69
		113	00	05	29
		114	00	02	30
		115	00	03	09
		118	00	04	55
		117	00	00	38
		119	00	00	82
		122	00	00	41
		120	00	06	92
		112	00	00	36
		16	00	02	47
		15	00	00	61
		17	00	01	24
		18	00	01	87
		19	00	06	94
		24	00	00	20
		25	00	03	85
		28	00	02	96
		29	00	00	38

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	LAKRAKUNDA - 43	30	00	03	80
		32	00	00	46
		31	00	05	12
		33	00	00	20
		1	00	01	05
FATEHPUR	JALAIN - 19	1143	00	00	20
		611	00	05	98
		607	00	01	94
		608	00	04	49
		609	00	04	95
		603	00	01	00
		599	00	00	68
		600	00	17	41
		344	00	03	33
		346	00	03	20
FATEHPUR	BABUDI - 25	345	00	04	71
		343	00	00	84
		341	00	02	06
		339	00	00	92
		340	00	03	52
		336	00	11	52
		338	00	08	17
		304	00	00	20
		267	00	01	02
		301	00	01	29
		299	00	05	98
		289	00	02	28
		288/755	00	00	88
		291	00	04	12
		115/756	00	01	90
		364	00	02	00
		365	00	01	34
FATEHPUR	DUMDUMI - 22	362	00	03	68
		360	00	01	51
		338	00	02	02
		333	00	04	78
		322	00	08	24
		330	00	02	45
		154	00	03	08
		117	00	01	00
		109	00	04	83
FATEHPUR	KARMATANR - 20				

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	KARMATANR - 20	108	00	00	20
		106	00	00	75
		4	00	02	98
		3	00	00	20
		2	00	09	30
		1	00	05	78
FATEHPUR	DUMARIA - 21	1560	00	05	67
		1561	00	03	04
		1559	00	00	53
		1558	00	02	77
		1552	00	02	43
		1554	00	03	14
		1553	00	02	99
		1513	00	00	20
		1507	00	01	72
		1508	00	01	27
		1511	00	02	59
		1510	00	00	46
		1476	00	06	80
		1482	00	01	61
		1481	00	00	96
		1480	00	01	71
		1479	00	00	40
		1469	00	00	27
		1477	00	00	20
		1478	00	02	31
		1471	00	00	78
		1473	00	04	08
		1472	00	05	13
		1394	00	03	95
		1399	00	03	18
		1397	00	03	48
		1415	00	02	89
		469	00	00	97
		470	00	04	91
		472	00	02	37
		473	00	01	80
		474	00	03	41
		656	00	00	86
		658	00	02	05
		657	00	00	41

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	DUMARIA - 21	659	00	01	29
		1582	00	00	33
		649	00	05	11
		722	00	01	35
		723	00	04	06
		724	00	01	59
		729	00	03	81
		1578	00	02	35
		730	00	01	32
		733	00	02	61
		732	00	01	30
		736	00	00	79
		734	00	02	04
		735	00	01	70
		772	00	03	39
		609	00	02	95
		773	00	00	27
		774	00	08	48
		788	00	00	42
		787	00	04	89
		786	00	05	53
		784	00	00	48
		785	00	00	88
		817	00	12	56
		816	00	04	73
		818	00	06	20
		836	00	00	62
		835	00	00	20
FATEHPUR	AMBABANK - 13	1438	00	00	44
		1240	00	00	81
		1245	00	05	06
		1244	00	01	33
		1243	00	06	26
		1300	00	10	61
		1113	00	00	20
		1112	00	03	28
		1111	00	00	67
		1124	00	15	17
		1126	00	02	13
		1127	00	03	27
		1128	00	00	46
		1130	00	01	84

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	AMBABANK - 13	1148	00	01	11
		1185	00	01	93
		1184	00	00	92
		1183	00	02	44
		1175	00	03	80
		1177	00	00	20
		1173	00	00	20
		1172	00	00	69
		1171	00	02	77
		1170	00	00	20
		1169	00	00	31
FATEHPUR	DANRPUJA - 15	657	00	00	20
		612	00	00	62
		611	00	01	54
		592	00	00	44
		610	00	00	50
		593	00	00	94
		594	00	01	21
		595	00	01	25
		596	00	00	23
		597	00	00	20
		591	00	00	94
		590	00	00	21
		588	00	01	51
		587	00	02	17
		586	00	00	20
		598	00	03	91
		599	00	02	98
		576	00	00	20
		541	00	14	11
		575	00	00	34
		574	00	00	20
FATEHPUR	PARASI - 14	542	00	01	11
		543	00	00	20
		338	00	00	68
		339	00	03	49
		337	00	01	09
		336	00	02	03

(1)	(2)	(3)	(4)	(5)	(6)
FATEHPUR	PARASI - 14	335	00	05	79
		247	00	04	36
		246	00	00	39
		240	00	00	31
		244	00	02	19
		245	00	00	20
		230	00	02	23
		617	00	00	26
		229	00	10	00
		228	00	01	80
		227	00	00	67
		185	00	02	63
		212	00	01	75
		186	00	04	50
		211	00	01	33
		188	00	07	93
		190	00	03	68
		189	00	04	82
		296	00	00	60
		66	00	03	09
		65	00	04	63
		56	00	02	33
		57	00	04	41
		58	00	03	02
		55	00	02	16

[F. No. R-11025(11)/21/2018-OR-I/E-27764]

NOAS KINDO, Under Secy.

नई दिल्ली, 10 जनवरी, 2019

का.आ. 109.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में गाँव : झुगियाँ, जिला शहीद भगत सिंह नगर से हिमाचल प्रदेश के गाँव : पेखुबेला, जिला उना तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑइल कॉर्पोरेशन लिमिटेड द्वारा पीएजेपीएल-उना ब्रांच पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, १९६२ (१९६२ का ५०) की धारा ३ की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उक्त अधिनियम, की धारा ३ की उपधारा (1) के अधीन जारी की गयी अधिसूचना से युक्त भारत के राजपत्र के प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि के निचे पाइपलाइन बिछाए जाने के संबंध में आक्षेप, लिखित रूप में श्री देवराज शर्मा, सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पीएजेपीएल-उना ब्रांच पाइपलाइन, ३४६ कमला कुंज, डी. सी. कालोनी, उना (हिमाचल प्रदेश) -१७४३०३ को कर सकेगा।

अनुसूची

जिला: उना

राज्य : हिमाचल प्रदेश

क्र.सं.	तहसील का नाम	गाँव का नाम	हदबस्त नं	खसरा सं.	क्षेत्रफल		
					हेक्टेयर	एयर	वर्ग मीटर

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	हरोली	बाथड़ी	476	1300	00	10	88
				998	00	24	18
				1279	00	00	60
				1001	00	00	67
				1002	00	02	29
				1037	00	03	82
				1031	00	01	50
				1032	00	07	11
				1034	00	00	83
				1035	00	05	20
				1036	00	06	66
				1038	00	05	74
				1039	00	02	27
				1040	00	00	57
				1044	00	00	52

New Delhi, the 10th January, 2019

S. O. 109.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Village : Jhungian, District : Shahid Bhagat Singh Nagar of Punjab State to Village: Pekhubela, District : Una of Himachal Pradesh, PAJPL - Una Branch Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Shri. Devraj Sharma, Competent Authority, Indian Oil Corporation Ltd, PAJPL-Una Branch Pipeline Project, 346, Kamla Kunj, D.C. Colony, Una (Himachal Pradesh) -174303.

SCHEDULE

District : Una

State: Himachal Pradesh

Sr. No.	Name of Tehsil	Name of village	Hadbast No.	Khasara No.	Area		
					Hectare	Are	Sq. mtr.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
1	Haroli	Bathadi	476	1300	00	10	88
				998	00	24	18
				1279	00	00	60
				1001	00	00	67
				1002	00	02	29
				1037	00	03	82
				1031	00	01	50
				1032	00	07	11
				1034	00	00	83
				1035	00	05	20
				1036	00	06	66
				1038	00	05	74
				1039	00	02	27
				1040	00	00	57
				1044	00	00	52

[F. No. R-11025(11)/248/2017-OR-I/E-18228]

NOAS KINDO, Under Secy.

नई दिल्ली, 10 जनवरी, 2019

का.आ. 110.— केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पंजाब राज्य में गाँव : झुगियाँ, जिला शहीद भगत सिंह नगर से हिमाचल प्रदेश के गाँव : पेखुबेला, जिला उना तक पेट्रोलियम उत्पादों के परिवहन के लिए इंडियन ऑइल कॉर्पोरेशन लिमिटेड द्वारा पीएजेपीएल-उना ब्रांच पाइपलाइन बिछाई जानी चाहिए।

और केन्द्रीय सरकार को यह प्रतीत होता है कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए ऐसी भूमि जिसके भीतर पाइपलाइन बिछाई जाने का प्रस्ताव है और जो इस अधिसूचना से उपाबद्ध अनुसूची में वर्णित है, के उपयोग के अधिकार का अर्जन करना आवश्यक है।

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन) भूमि में उपयोग के अधिकार का अर्जन (अधिनियम, 1962) 1962 का 50 (की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है।

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि से हितबद्ध है, उक्त अधिनियम, की धारा 3 की उपधारा (1) के अधीन जारी की गयी अधिसूचना से युक्त भारत के राजपत्र के प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिनों के भीतर, उसमें उपयोग के अधिकार का अर्जन या भूमि के निचे पाइपलाइन बिछाए जाने के संबंध में आक्षेप, लिखित रूप में श्रीमति रणजीत कौर, सक्षम प्राधिकारी, इंडियन ऑयल कारपोरेशन लिमिटेड (पाइपलाइन प्रभाग) पीएजेपीएल-उना ब्रांच पाइपलाइन, 331-बी, सूर्या एंक्लेव, जी टी रोड बायपास, जालंधर (पंजाब) -144009 को कर सकेगा।

अनुसूची

राज्य : पंजाब

क्र. सं.	जिला	तहसील	गाँव का नाम	हदबस्त नं.	खसरा सं.	क्षेत्रफल		
						हेक्टेयर	एयर	वर्ग मीटर
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	एस. बी. एस. नगर	नवांशहर	राहों	223	274 // 16	00	02	79
					273 // 19	00	00	20
					273 // 20/1	00	01	26
					273 // 21	00	00	20
					273 // 11/2	00	02	98
2	एस. बी. एस. नगर	नवांशहर	सजावलपुर	154	578	00	00	27
					579	00	03	05
					591	00	06	16
					575	00	07	07
3	एस. बी. एस. नगर	नवांशहर	लंगरोआ	137	34 // 17/1	00	01	05
4	एस. बी. एस. नगर	नवांशहर	सहिबाजपुर	227	2486	00	04	80
					2482	00	01	66
					2292/553/1	00	05	23
					2291/552/3	00	03	65

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
5	एस. बी. एस. नगर	बालाचौर	चांदपुर रुड़की	366	73 // 16/2	00	09	84
6	एस. बी. एस. नगर	बालाचौर	सरोया	243	34 // 26	00	01	34
7	होशियारपुर	गढ़शंकर	सिम्बली	159	26 // 19/3/1	00	00	50
					26 // 19/3/2	00	01	74
8	होशियारपुर	गढ़शंकर	मैरा	481	30 // 23	00	10	28
					30 // 18/2	00	09	26
					30 // 18/3	00	01	48
					11 // 16	00	03	64
					11 // 17	00	03	96
					12 // 11	00	11	95
9	होशियारपुर	गढ़शंकर	डल्लेवाल	482	39 // 23/2	00	01	12
					48 // 9	00	07	71
					48 // 3	00	04	16
10	होशियारपुर	गढ़शंकर	कोकोवाल	476	460	00	01	32
	होशियारपुर	गढ़शंकर	कोकोवाल		463-464	00	00	18
					462	00	05	58
11	होशियारपुर	गढ़शंकर	समुन्द्रा	160	949	00	00	66
					1888/952	00	00	14
					1807/951	00	00	76
					1886/950	00	00	84

[फा. सं. आर-11025(11)/1/2018-ओआर-I/ई-21789]

नोवस किन्डो, अवर सचिव

New Delhi, the 10th January, 2019

S. O. 110.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Village : Jhungian, District : Shahid Bhagat Singh Nagar of Punjab State to Village: Pekhubela, District : Una of Himachal Pradesh, PAJPL - Una Branch Pipeline should be laid by the Indian Oil Corporation Limited.

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the Right of User in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification.

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the petroleum and Mineral Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said schedule may within 21 days from the date on which the copies of this notification issued under sub-section (1) of the section 3 of said Act, as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein of laying of the pipeline under the land to Smt. Ranjit Kaur, Competent Authority, Indian Oil Corporation Ltd, PAJPL-Una Branch Pipeline Project, 331-B, Surya Enclave, G T Road bye-pass, Jalandhar (Punjab) -144009.

SCHEDULE

State : Punjab

Sr. No.	Name of District	Name of Tehsil	Name of Village	Hadbast No.	Khasara No.	Area		
						Hectare	Are	Sq. mtr.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1	S.B.S. Nagar	Nawanshahr	Rahon	223	274 // 16	00	02	79
					273 // 19	00	00	20
					273 // 20/1	00	01	26
					273 // 21	00	00	20
					273 // 11/2	00	02	98
2	S.B.S. Nagar	Nawanshahr	Sajawalpur	154	578	00	00	27
					579	00	03	05
					591	00	06	16
					575	00	07	07
3	S.B.S. Nagar	Nawanshahr	Langroya	137	34 // 17/1	00	01	05
4	S.B.S. Nagar	Nawanshahr	Sahbazpur	227	2486	00	04	80
					2482	00	01	66
					2292/553/1	00	05	23
					2291/552/3	00	03	65
5	S.B.S. Nagar	Balachour	Chandpur Rurki	366	73 // 16/2	00	09	84
6	S.B.S. Nagar	Balachour	Saroya	243	34 // 26	00	01	34
7	Hoshiarpur	Garhshankar	Simbli	159	26 // 19/3/1	00	00	50
					26 // 19/3/2	00	01	74
8	Hoshiarpur	Garhshankar	Maira	481	30 // 23	00	10	28
					30 // 18/2	00	09	26
					30 // 18/3	00	01	48
					11 // 16	00	03	64

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
					11 // 17	00	03	96
					12 // 11	00	11	95
9	Hoshiarpur	Garhshankar	Dallewal	482	39 // 23/2	00	01	12
					48 // 9	00	07	71
					48 // 3	00	04	16
10	Hoshiarpur	Garhshankar	Kokowal	476	460	00	01	32
					463-464	00	00	18
					462	00	05	58
11	Hoshiarpur	Garhshankar	Samundra	160	949	00	00	66
					1888/952	00	00	14
					1807/951	00	00	76
					1886/950	00	00	84

[F. No. R-11025(11)/1/2018-OR-I/E-21789]

NOAS KINDO, Under Secy.

शुद्धि - पत्र

नई दिल्ली, 10 जनवरी, 2019

का.आ. 111.—पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय में भारत सरकार की अधिसूचना के का. आ. संख्या 2849 दिनांक 18.12.2017, भारत के साप्ताहिक राजपत्र संख्या 51, दिनांक 17.12.2017 से 23.12.2017 के भाग II, धारा 3, उपधारा (ii) में 9622 पृष्ठ पर प्रकाशित, में निम्नलिखित संशोधन करता है अर्थात्: —

उक्त अधिसूचना में,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि हल्दिया- बरौनी पाइपलाइन परियोजना के अन्तर्गत पेट्रोलियम पदार्थों के परिवहन हेतु पश्चिम बंगाल राज्य के हल्दिया रिफ़ाइनरी से बिहार राज्य के बरौनी रिफ़ाइनरी तक इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए;" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

संख्याओं और शब्दों के स्थान पर,

"केन्द्रीय सरकार को ऐसा प्रतीत होता है कि लोक हित में यह आवश्यक है कि कच्चे तेल के परिवहन के लिए एक पाइपलाइन, हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना के तहत, पश्चिम बंगाल राज्य में हल्दिया से बिहार राज्य में बरौनी तक, इंडियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिए" और

"श्री भुवनेश्वर मिश्रा, से० नि० अपर सचिव बिहार सरकार व सक्षम प्राधिकारी, इंडियन ऑयल कॉर्पोरेशन लिमिटेड (पाइपलाइंस डिविजन), हल्दिया-बरौनी पाइपलाइन सिस्टम्स परियोजना, बी० के० पी० एल० मुख्यालय परिसर, पो० बरौनी आयल रिफ़ाइनरी, जिला बेगूसराय, पिन- 851114 (बिहार)"

पढ़ा जाए।

[फा. सं. आर-11025(11)/1/2019-ओआर-I/ई-28108]

नोवस किन्डो, अवर सचिव

ERRATUM

New Delhi, the 10th January, 2019

S. O. 111.—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S. O. number 2849 dated 18.12.2017, published at pages 9628 in part II, section 3, sub-section (ii) of the weekly Gazette of India No. 51, dated 17.12.2017 to 23.12.2017, namely:—

In the said notification, for the numbers and words,

“Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Petroleum Products from Haldia Refinery in the state of West Bengal to Barauni Refinery in the State of Bihar a pipeline should be laid by Indian Oil Corporation Limited” and

“Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Pipelines Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)”

the numbers and words,

“Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of crude oil, a pipeline from Haldia in the state of West Bengal to Barauni in the State of Bihar under Haldia-Barauni Pipeline Systems Project, should be laid by Indian Oil Corporation Limited” and

“Shri Bhubneshwar Mishra, Additional Secretary (Retd.), Govt. of Bihar & Competent Authority, Indian Oil Corporation Limited, Haldia-Barauni Pipeline Systems Project, Pipelines Division, BKPL Head Quarter, Post- Barauni Oil Refinery, District – Begusarai, Bihar – 851114)”

shall be substituted.

[F. No. R-11025(11)/1/2019-OR-I/E-28108]

NOAS KINDO, Under Secy.

शुद्धि – पत्र

नई दिल्ली, 11 जनवरी, 2019

का.आ. 112.—पेट्रोलियम और खनिज पाइपलाइंस (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 कि उप धारा (1) द्वारा प्रदान शक्तियों का प्रयोग करते हुए, केंद्र सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय में भारत सरकार की अधिसूचना के का.आ.संख्या 1545 दिनांक 25/10/2018, भारत के साप्ताहिक राजपत्र संख्या 42, दिनांक 21/10/2018 से 27/10/2018 के भाग II धारा 3, उपधारा (ii) में 6165 पृष्ठ पर प्रकाशित, में निम्नलिखित संशोधन करता है अर्थात:—

उक्त अधिसूचना में, संख्याओं और शब्दों के स्थान पर

श्री विश्वनाथ समझदार,

डब्लु. बी. सी. एस. (प्रशासनिक) अवकाश प्राप्त

सक्षम अधिकारी

इंडियन ऑयल कॉरपोरेशन लिमिटेड,

पारादीप हल्दिया दुर्गापुर एल पी जी पाइपलाइन परियोजना,

पारादीप हल्दिया दुर्गापुर एल पी जी पाइपलाइन परियोजना का संवर्धन

तथा पटना और मुजफ्फरपुर तक इसका विस्तार परियोजना,

हल्दिया बरौनी पाइपलाइन सिस्टम्स परियोजना एवं

पारादीप सोमनाथपुर हल्दिया पाइपलाइन परियोजना,

डाकघर - दुईल्या, आंदुल - मौरी, मौरीग्राम,

हावड़ा - 711 302 (पश्चिम बंगाल)

संख्याओं और शब्दों के स्थान पर,

श्री विश्वनाथ समझदार,

डब्लु. बी. सी. एस. (प्रशासनिक) अवकाश प्राप्त

सक्षम अधिकारी

इंडियन ऑयल कॉरपोरेशन लिमिटेड,

पारादीप हल्दिया दुर्गापुर एल पी जी पाइपलाइन परियोजना,

पारादीप हल्दिया दुर्गापुर एल पी जी पाइपलाइन परियोजना का संवर्धन

तथा पटना और मुजफ्फरपुर तक इसका विस्तार परियोजना,

हल्दिया बरौनी पाइपलाइन सिस्टम्स परियोजना,

पारादीप सोमनाथपुर हल्दिया पाइपलाइन परियोजना,

दी लीजेंड, दुसरा एवं तीसरा तल,

शहीद खुदिराम सरणी, सिटी सेंटर,

दुर्गापुर - 713 216

जिला: पश्चिम बर्धमान

पश्चिम बंगाल

पढ़ा जाए।

[फा. सं. आर-11025(11)/239/2017-ओआर-I/ई-13892]

नोवस किन्डो, अवर सचिव

ERRATUM

New Delhi, the 11th January, 2019

S. O. 112.— In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas, S. O. number 1545 dated 25.10.2018, published at pages 6167 in part II, section 3, sub-section (ii) of the weekly Gazette of India No. 42 dated 21.10.2018 to 27.10.2018, namely:—

In the said notification, for the numbers and words,

“Shri Biswanath Samajder,

Competent Authority,

Indian Oil Corporation Limited,

Paradip- Haldia- Durgapur LPG Pipeline Project,

Augmentation of Paradip- Haldia- Durgapur LPG Pipeline

and its extension upto Patna and Muzaffarpur Project,

Haldia- Barauni Pipeline Systems Project and

Paradip-Somnathpur-Haldia Pipeline Project,

P.O. Duilya, Andul- Mouri, Mourigram,

Howrah- 711 302 (W.B)”

the numbers and words,

“Shri Biswanath Samajder,

Competent Authority,

Indian Oil Corporation Limited,

Paradip Haldia Durgapur LPG Pipeline Project,

Augmentation of Paradip Haldia Durgapur LPG Pipeline

& its extension upto Patna & Muzaffarpur Project,

Haldia Barauni Pipeline Systems Project,

Paradip Somnathpur Haldia Pipeline Project,

The Legend, 2nd & 3rd Floor,

Sahid Khudiram Sarani, City Centre,

Durgapur – Dist. Pashchim Burdwan (West Bengal)”

shall be substituted.

[F. No. R-11025(11)/239/2017-OR-I/E-13892]

NOAS KINDO, Under Secy.

नई दिल्ली, 11 जनवरी, 2019

का.आ. 113.— केन्द्रीय सरकार, पेट्रोलियम एवं खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), की धारा 2 के खंड (क) के अनुसरण में, नीचे दी गई अनुसूची के स्तंभ (1) में उल्लिखित व्यक्ति को, उक्त अनुसूची के स्तंभ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र के संबंध में उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों का निर्वहन करने के लिए प्राधिकृत करती है, अर्थात् :—

अनुसूची

प्राधिकारी का नाम और पता (1)	अधिकारिता का क्षेत्र (2)
श्री सिबप्रिया दास गुप्ता, उप कलेक्टर एवम् उप मजिस्ट्रेट (सेवा निवृत्त) सक्षम अधिकारी इंडियन ऑयल कॉरपोरेशन लिमिटेड, पारादीप हल्दिया दुर्गापुर एल पी जी पाइपलाइन परियोजना, पारादीप हल्दिया दुर्गापुर एल पी जी पाइपलाइन परियोजना का संवर्धन तथा पटना और मुजफ्फरपुर तक इसका विस्तार परियोजना, हल्दिया बरौनी पाइपलाइन सिस्टम्स परियोजना, पारादीप सोमनाथपुर हल्दिया पाइपलाइन परियोजना, डाकघर - दुईल्या, आंदुल – मौरी, मौरीग्राम, हावड़ा – 711 302 (पश्चिम बंगाल)	पश्चिम बंगाल

यह अधिसूचना जारी होने की तारीख से लागू होगी।

[फा. सं. आर-11025(11)/239/2017-ओआर-I/ई-13892]

नोवस किन्डो, अवर सचिव

New Delhi, the 11th January, 2019

S. O. 113.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule given below to perform the functions of the “Competent Authority” under the said Act, in respect of the area mentioned in column (2) of the said Schedule:

SCHEDULE

Name and Address of the Authority (1)	Area of Jurisdiction (2)
Shri Sibapriya Das Gupta, Deputy Magistrate & Deputy Collector (Retd.) Competent Authority Indian Oil Corporation Limited, Paradip Haldia Durgapur LPG Pipeline Project, Augmentation of Paradip Haldia Durgapur LPG Pipeline & its extension upto Patna & Muzaffarpur Project, Haldia Barauni Pipeline Systems Project, Paradip Somnathpur Haldia Pipeline Project, P.O. Duliya, Andul – Mouri, Mourigram, Howrah– 711 302 (West Bengal)	State of West Bengal

This notification is applicable from the date of issue.

[F. No. R-11025(11)/239/2017-OR-I/E-13892]

NOAS KINDO, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 18 दिसम्बर, 2018

का.आ. 114.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स आयुक्त, उत्तर दिल्ली नगर निगम नई दिल्ली एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय 1, नई दिल्ली के पंचाट (संदर्भ संख्या 233/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2018 को प्राप्त हुए थे।

[सं. एल-42011/124/2015-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENTNew Delhi, the 18th December, 2018

S.O. 114.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.233/2015) of the Central Government Industrial Tribunal-cum-Labour Court -1, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the Commissioner, North Delhi Municipal Corporation New Delhi and Others, and their workmen which were received by the Central Government on 17.12.2018.

[No. L-42011/124/2015-IR(DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

IN THE COURT OF SHRI AVTAR CHAND DOGRA : PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT No. 1, DWARKA COURTS COMPLEX : NEW DELHI

ID No. 233/2015

Shri Jaswant Singh,
S/o. Shri Hirdey Ram,
As represented by MCD General Mazdoor Union,
C/o. Room No.95, Barracks No.1/10,
Jam Nagar House,
New Delhi.

...Workman

Versus

The Commissioner,
North Delhi Municipal Corporation,
4th Floor, Civil Centre, Minto Road,
New Delhi 110002.

...Management

AWARD

This Award shall dispose of a reference which was made to this Tribunal by the Appropriate Govt. vide letter No. L-42011/124/2015-IR(DU) dated 2.11.2015 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act) for adjudication of an industrial dispute, terms of which are as under:

‘Whether the action of the management by denying promotion to Shri Jaswant Singh s/o. Shri Hirdey Ram by considering him 8th Pass is fair and legal ? if not to what relief the workman is entitled to and from which date ?

2. Both parties were put to notice and the workman/claimant Jaswant Singh filed his statement of claim, with the averments that workman has been working as a Field Worker under the Malaria Wing of MCD though he was appointed on 24/5/1984 as Malaria Beldar on regular basis which nomenclature has now been changed as Field Worker. The workman is under matric viz. IX pass. It is alleged that the Management circulated the seniority list of Malaria Beldar vide office order dated 21/11/2006 seeking objections, in which the name of the workman was mentioned at Sl.No.343 and his qualification has been mentioned as 9th pass. Same was the position in the subsequent seniority list circulated by the Management vide order dated 6/9/2010 wherein his name was mentioned at Sl.No.149. Though the workman according to his qualification was/is eligible for promotion to the post of Senior Field Worker but he was not granted promotion on the ground that he is illiterate, whereas his juniors have been granted promotion w.e.f 24/10/2011 in the pay scale of Rs.4440-7440 with Grade Pay of Rs.1650/-. Action of the Management in not granting promotion to the

workman is not correct. Prayer has been made that workman be ordered to be promoted as Senior Field Worker in the pay scale of Rs.4440 -7440- w.e.f. 24/10/2011.

2. The claim petition has been resisted by the Management who filed written statement and took preliminary objections that the present dispute has not been properly espoused by a recognized union. Even no demand notice was sent by the claimant to the Management before raising the dispute. Hence the claim petition is liable to be rejected. It is stated that the name of the claimant was considered but he being an illiterate was not found to be eligible for promotion by the Departmental Promotion Committee in its meeting held on 25/7/2011. The claimant had not even produced passing certificate of any class or mark sheet and as such his qualification has been recorded as illiterate. It is also stated that seniority list circulated vide order dated 21/11/2006 was a provisional seniority list of Malaria Beldars (now known as Field Workers). It has been denied that in the service book of the claimant, his qualification has been mentioned as 9th pass. Prayer has been made for dismissal of the claim petition.

3. Workman/claimant filed rejoinder whereby he denied all the allegations made in the written statement and reiterated his own case as set up in the claim petition.

4. On the pleadings of the parties, following issues were framed on 30/9/2016 :—

1. Whether the claim is not legally maintainable in view of the preliminary objections ?
2. In terms of reference ?
3. Relief.

5. The Claimant in support of his case examined himself as W.W.1 and tendered his affidavit Ex.WW1/A alongwith documents Ex.WW1/1 & WW1/2. He also got examined Shri B.K. Prasad, President, MCD General Mazdoor Union as WW2.

6. On the other hand, the Management in order to rebut the case of the claimant examined Dr. S.C. Arun, Additional Medical Health Officer (VBD) working in North MCD, as MW1 and he tendered his evidence by way of affidavit Ex.MW1/A alongwith documents Ex.MW1/1 to Ex.MW1/4.

Issue No.1

7. Though the Management has taken a preliminary objection regarding non-espousal of the cause/dispute of the workman by the Union, yet during the course of arguments, learned A/R for the Management did not press the same seriously. Even otherwise, WW2 Shri B.K. Prasad, President of MCD General Mazdoor Union categorically deposed that the Union espoused the cause of the workman, in its meeting held on 8/1/2012 and he filed on record copy of the sponsorship certificate so issued by the Union as Ex.WW2/1. In the face of espousal certificate Ex.WW2/1 the contention of the Management that the present cause/dispute of the claimant has not been espoused by any Union is unfounded and untenable and it can not be concluded that the claim petition is bad in law. This issue is accordingly decided against the Management and in favour of the workman/claimant.

Issue No.2 :-

10. From the pleadings of the parties and evidence adduced on record, it is not in dispute that the workman/claimant has been working with the Management since 24/5/1984 as Belder (which nomenclature is now known as Field Worker). It is also not in dispute that Promotion post to the post of Beldar/Field Worker is Malaria Jamadar/Senior Field Worker.

11. On the strength of document Ex.WW2/2 issued by Health Department of MCD (viz. Recruitment Regulation for the post of Malaria Jamadar) which was finally adopted by Corporation vide Resolution No.533 dated 10/10/1983 after approval of UPSC, learned A/R for the workman/claimant vehemently argued that although no qualification was desirable for promotion to the post of Malaria Jamadar/SFW yet the fact was that the claimant/workman is **9th pass** and the Management did not consider his qualification as mentioned in the service record. As such action of the Management in not considering him for promotion to the post of SFW is arbitrary and illegal.

12. Per contra, learned A/R for the Management submitted that the name of the claimant was considered for such promotion **but he being an illiterate was not found to be eligible for promotion** by the Departmental Promotion Committee in its meeting held on 25/7/2011,

13. I may mention that as per Annexure-M-1 (attached with the written statement) i.e. minutes of the DPC for promotion of Malaria Beldar/Field Worker to the post of Permanent Malaria Jamadar/Senior Field Worker, essential qualification of SFW should be 5th Pass as per minimum feeder grade. The workman./claimant has categorically deposed in his claim statement as well as affidavit Ex.WW1/A that he is under-matric (9th class pass) and in support, he has filed on record copy of his High School Certificate in respect of Examinations in 1982, as Ex.WW1/1 issued by the Education Board of Madhya Pradesh at Bhopal. In cross examination he admitted that he does not have any other certificate of primary or middle class. On the other hand, MW1 Dr.S.C. Arun while filing on record relevant page of service book of the claimant as Ex.MW1/2, deposed that the department had issued a letter dated 27-12-2016 (Ex.MW1/3) asking the workman./claimant to produce his qualification certificate but he failed to do so & filed reply Ex.MW1/4 wherein he has clarified that he is illiterate.

14. It is pertinent to mention here that the Management has not confronted the claimant/workman with the document Ex.MW1/4 during his cross examination. Merely because the claimant/workman failed to produce the original certificates relating to education, when desired by his department after gap of more than 30 years, it would not mean that the workman /claimant is illiterate. It may be noted that service book of the claimant./workman, extract of which is

Ex.MW1/2, clearly shows that his educational qualification has been mentioned as Matric Fail. The service book must have been prepared at the time of joining of service after due verification of the necessary documents and same is maintained by the Management. It must be presumed that the official/s concerned of the Management must have verified the necessary/relevant document in that respect. Once in the service book, educational qualification of the workman/claimant has been mentioned as Matric Fail, it can be safely concluded that the claimant./workman do possess educational qualification for promotion to the post of Senior Field Worker, inasmuch as per Annexure-M-1 (attached with the written statement) i.e. minutes of the DPC for promotion of Malaria Beldar/Field Worker to the post of Permanent Malaria Jamadar/Senior Field Worker, essential qualification of SFW should be 5th Pass. In these circumstances, it will be in the fitness of things to conclude that action of the Management by denying promotion to the workman/claimant for the post of Senior Field Worker is unfair and illegal. This issue is answered accordingly.

Relief :-

15. In view of the findings on issue No.1 and 2 above, this Tribunal has no hesitation to hold that the action of the Management in denying promotion to the workman/claimant to the post of Senior Field Worker is unwarranted and the Management is hereby directed to promote the claimant/workman to the post of Senior Field Worker in the pay-scale of Rs.4440-7440 + GP 1400 (pre-revised) from the very date, the officials junior to him were promoted for such post and also to grant him all such consequential benefits/arrears from the said date. Award is passed accordingly.

Dated : 06.12.2018

AVTAR CHAND DOGRA, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2018

का.आ. 115.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अध्यक्ष सह प्रबंधन निदेशक, कंटेनर कॉर्पोरेशन ऑफ इंडिया लिमिटेड नई दिल्ली (कॉन्सोर), और अन्य एवं उनके कर्मचारी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, 1 नई दिल्ली के पंचाट (संदर्भ संख्या 138/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2018 को प्राप्त हुए थे।

[सं. एल-42025/03/2018-आईआर (डीयू)]

राजेंद्र जोशी, उप निदेशक

New Delhi, the 18th December, 2018

S.O. 115.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 138/2016) of the Central Government Industrial Tribunal-cum-Labour Court-1, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to the Chairman Cum Management Director, Container Corporation of India (Concor) Ltd New Delhi and Others, and their workmen which were received by the Central Government on 17.12.2018.

[No. L-42025/03/2018-IR (DU)]

RAJENDRA JOSHI, Dy. Director

ANNEXURE

**IN THE COURT OF SHRI AVTAR CHAND DOGRA : PRESIDING OFFICER CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT No.1,
DWARKA COURTS COMPLEX : NEW DELHI**

ID No. 138/2016

Shri Sanjeev Kumar
Senior Assistant (C & O)/Concor,
R/o. D-934 Tigri Colony
New Delhi 110062.

...Workman

Versus

The Chairman cum Management Director,
Container Corporation of India (Concor) Ltd.,
ConcorBhawan,
C-3 Mathura Road,
New Delhi 110076.

...Management

AWARD

This is a claim filed directly by the Workman/claimant Sanjeev Kumar under Section 2(A) of the Industrial Disputes Act (hereinafter referred to as “the Act”), with the averments that the claimant/workman was employed as Senior Assistant (Commercial & Operation) and was posted at Inland Container Depot, Tughlakabad, Okhla, New Delhi, Northern region office of the Management. Service record of the workman was excellent as he was doing his duty even in adverse circumstances with utmost sincerity, honesty and full dedication and the management has acknowledged the same by giving the citations dated 15/2/1999 and 16/6/1999 with cash award for outstanding performance of the workman. On 13/1/99 the workman was deemed suspended for the period from 18/8/1998 to 5/9/98 and was also placed under suspension indefinitely w.e.f. 18/2/99 in view of contemplating the disciplinary proceedings. A chargesheet was issued to the workman vide memorandum dated 25/2/1999 and charges were framed against him in terms of Rule 14(3) of Scheduled of the Industrial Employment (Standing Orders) Central Rules, 1946 regarding unauthorized absence from duty inasmuch as he remained in police custody on 18th and 19th August, 98 and in judicial custody from 28/8/98 to 5/9/98 and was released on bail on 5/9/98. It has been averred that the Enquiry Officer Shri Manish Puri without following principle of natural justice conducted & completed the domestic inquiry and submitted his report dated 30/5/2000. Resultantly, the Management mechanically imposed punishment of “Removal from Service” upon the workman vide order dated 12/7/2000, without appreciating the materials on record and without considering the representation/submissions made by the workman against the Inquiry Report. The workman preferred an administrative appeal against the punishment order before the Departmental Appellate Authority which accepted the submissions of the workman and passed an order dated 13/9/2000, thereby the punishment of “Removal from Service” was kept in abeyance and directions were issued for de-novo inquiry after obtaining the authenticated certified/attested copies of FIR, arrest memo etc. But again the same Inquiry Officer submitted his report dated 23/3/2001 with the same conclusion and same result, against which the workman also filed his representation/submissions before Departmental Appellate Authority, which set aside order (of removal from Service) dated 12/7/2000 and issued directions for de-novo inquiry against charges. Vide order dated 10/12/2001 Shri PS Nerwal was appointed as Enquiry Officer to enquire into the old charges listed in the memorandum dated 25/2/1999. It is averred that the order dated 10/12/2001 gave another lease of life to the dead chargesheet/ memorandum dated 25/2/99 and issued re-notified chargesheet which was also based without any material to support and without giving workman the opportunity to make submissions. The said inquiry was held at the corporate office of the Management situated in Le Meridian Commercial Tower, Raisina Road, New Delhi vide memorandum dated 31/12/2001. It has further been averred that the Enquiry Officer conducted the enquiry in complete violation of principle of natural justice and in a biased manner and consequently, the workman vide his memorandum dated 14/3/2002 and 25/3/2002 informed the Disciplinary Authority about the behavior and biased attitude of the Enquiry Officer with the request to take action. The workman received memo dated 2/4/2002 from the Inquiry Officer, intimating him the postponement of the inquiry fixed for 5/4/2002 till further advice. Thereafter the workman received an order dated 30/4/2002 of the disciplinary Authority, informing the workman that Shri P.S. Nerwal was re-appointed as Enquiry Officer but his representation dated 14/3/2002 and 25/3/2002 were rejected vide order dated 16/4/2002. During pendency of the inquiry proceedings, suspension of the workman was revoked by the Appellate Authority vide its order dated 13/6/2002 but vide order dated 29/6/2002 the workman was transferred & posted at Jodhpur unit with malafide intention for harassing and victimizing the workman. Being aggrieved from the transfer order dated 29/6/2002, the workman filed Writ Petition Civil No.3990/2002 before the Hon’ble High Court and vide order dated 8/7/2002 Hon’ble High Court directed the Management to find out alternative place of posting of the workman within the radius of 100 km. and fixed the matter for 17/7/2002. The workman gave his acceptance to be posted at Ludhiana unit. The Inquiry Officer conducted the inquiry on 27/5/2002 and 17/7/2002 at the back of the workman without intimating him the dates and in a biased manner and did not offer a single opportunity to the workman to cross examine the witness Shri Jaivir Singh Gill and finally the Enquiry Officer gave his report on 20/11/2002, against which the workman submitted his representation dated 26/5/2003. Thereafter, on the basis of order dated 26/3/2004 of Disciplinary Authority, the Management while imposing punishment of removal from service of the workman, filed application under Section 33(2)(b) of the Act before Industrial Tribunal for approval of its action. The said application was rejected by the Tribunal vide order dated 2/3/2006. Thereafter, the workman moved the Hon’ble High Court vide Writ Petition (Civil) No.5316/2006 for enforcement of his rights to be taken back in service with consequential benefits. The said Writ petition was dismissed by Hon’ble High Court vide its order dated 2-11-2006 with the observation that the workman has an efficacious remedy provided under the Act. Thereafter the workman filed an application under Section 33-A of the Act before the Labour Court cum Industrial Tribunal-II, Delhi which was registered as ID No.11/2008/ The Tribunal was pleased to pass an Award dated 27/7/2001 thereby directed for reinstatement of the workman in service with back wages & consequential benefits. Against the said Award, the Management filed Writ Petition (C) No. 7387/2001 before Hon’ble High Court and the said petition was dismissed vide order dated 10/10/2011 passed by Hon’ble High Court. Against that order, the Management preferred LPA NO. 943/2011 and the Division Bench of Hon’ble High Court passed order dated 21/8/2012, thereby allowing the LPA of the Management & setting aside the order dated 10-10-2011 passed by the Single Judge in W.P.(C) No. 7387/2001 as well as award dated 27/7/2011 passed in ID No. 11/2008 and directed the workman herein to raise the dispute in respect of his termination. Thereafter the workman approached the Conciliation Officer who made efforts for reconciliation between the workman and management but to no success and ultimately, the Conciliation Officer issued certificate dated 25/4/2016, directing the workman to approach the Tribunal. In this background, the present claim petition has been filed by the Workman alleging that action of the Management is illegal; the workman has not been gainfully employed since the management did not allow him to join duties since 26/3/2004 and as such the workman is entitled for reinstatement with continuity of service and full back wages. Prayer has been made and action of the Management imposing punishment of removal from service vide order dated 26/3/2004 to be not justified and/or alternatively, inquiry held by the Enquiry Officer Shri PS

Nerwal be declared as wrong, malafide and perverse and further that, the Management be directed to reinstate the workman with continuity of service alongwith full back wages and consequential benefits.

2. The claim petition has been resisted by the Management who filed reply thereo& took preliminary objections that in fact, the claimant/workman was removed from service vide order dated 26/3/2004 and the appeal filed by the workman was dismissed by the Ld. Appellate Authority vide order dated 29/6/2004 but no prayer challenging the order dated 26/3/2004 and/or order dated 29/6/2004 has been made in the claim petition and as such, the claim petition is not covered under Section 2-A of the Act. The claim petition is barred by time and hence liable to be rejected on this score It is alleged in para (f) of the preliminary objections that this Tribunal has no territorial jurisdiction to entertain the claim petition inasmuch as when the order of removal dated 26/3/2004 was passed, the claimant was admittedly posted and working at Ludhiana (Punjab). The claimant/workman was arrested on 18/8/98 and remained in custody from 18/8/98 to 5/9/98 i.e for more than 48 hours and as such he was required to be under deemed suspension in view of provisions of clause No.36.2 of Standing Orders. The claimant had not informed the office about his arrest and custody etc., rather with a view to conceal his arrest, he had applied for leave only on the ground of "personal". It has been alleged that proper charge sheet was issued to the claimant and proper enquiry has been held. Disciplinary Authority had passed the order of punishment of removal from service, upon the workman after giving him due opportunity to make his submissions. It is also alleged that the claimant has pursued his further studies and completed graduation in law and he is practicing in law. Prayer has been made for rejection of the claim petition.

3. The claimant/workman filed rejoinder wherein he denied all the allegations made by the Management and reiterated his own case as set up in the claim petition

4. Against this factual background, this Tribunal on the pleadings of the parties, framed three issues on 8/11/2016, whereas additional issue No. 2-A was framed vide order dated 9/3/2017. The issues so framed by this Tribunal read as under

- 1) Whether the Domestic Inquiry held against the workman is not fair and perverse as same is also against regulation and principle of natural justice ?
- 2) Whether the management was not justified in not allowing the workman to join his duty ?
- 2-A) Whether the claim is not legally maintainable, the Court has no jurisdiction and the claim filed by the claimant is time barred as alleged ?
- 3) Whether the workman is entitled for reinstatement with back wages and consequential benefits ?

5. It is notable that issue No. 1 was treated as Preliminary issue and parties were called upon to produce evidence on these issues first The Claimant in support of his case examined himself as W.W.1 and tendered his affidavit Ex.WW1/A alongwith documents Ex.WW1/1 to WW1/59. On the other hand, the Management in support of its case examined Shri Rajeev Bhardwaj, Senior Manager, as MW1 and he tendered his evidence by way of affidavit Ex.MW1/A alongwith documents Ex.MW1/1 to Ex.MW1/8. This witness has also tendered in evidence Enquiry proceedings as well as other documents relating thereto.

I would be discussing the same while giving my findings on aforesaid issue No.1.

Issue No.1

6. It was strongly urged by the workman/claimant that he was wrongly charge-sheeted under the Standing Orders, 1997 (Ex.WW1/6), whereas Discipline & Appeal Rules, 1993 (Ex.WW1/5) would be applicable to him being the workman/employee working in the Yard and that he was not governed by the Standing Orders 1997 Ex.WW1/6). The claimant was admittedly employed in the Yard at Tughlagabad and not in the workshop. Attention of this Tribunal was also invited to the counter affidavit (Ex.VWV1/7) filed by the Management as respondent No.2 before Hon'ble High Court of Delhi in W.P(Civil) No. 142/97 titled as Container Corporation of India Employees Union Versus UOI & another, wherein there is reference to the fact that Disciplinary and Appeal Rules are applicable on those employees who are not working in the workshop. Therefore, entire action since issuance of chargesheet (Ex.WW1/9) till passing of the order of removal from service are not valid.

7. It was also urged by the workman/claimant that documents on which reliance was placed by the Management during the course of domestic enquiry were not supplied to him alongwith the chargesheet. Even witnesses were later on introduced in the said enquiry, though their names were not mentioned in the list when chargesheet was served upon him. Attention of this Tribunal was invited to the proceeding of domestic enquiry dated 27/5/2002 (Ex.\A/W1/30) to show that one Shri Jaivir Singh Gill, MHER of P S. Parliament Street, New Delhi whose name does not find mentioned in the List of witnesses relied upon by the Management, was examined by the Enquiry Officer at the back of the workman who being unwell, could not attend the inquiry proceedings on that day and in fact, no opportunity was granted to the workman to cross examine the witness..

8. It has been submitted that no opportunity for leading evidence in defence was afforded to the workman, as provided in para 42.13 of the Standing Orders (Ex.WW1/6). In nut shell, thrust of arguments advanced by the workman is that principle of natural justice was not adopted by the Enquiry Officer and that fair opportunity was not granted during the enquiry proceedings. The workman placed reliance on a number of authorities so as to buttress his submission that fair opportunity is required to be granted to the chargesheeted employee besides supplying him copies of all documents and list of witnesses along with chargesheet.

9. I may mention that during the course of arguments, reference was made by both the parties to the earlier litigation between the parties. Perusal of the record shows that against the order dated 26/3/2004 regarding termination of services of the workman, LPA was preferred before Hon'ble High Court which was decided against the workman on 21/8/2012 and against that order, the workman filed SLP before the Hon'ble Supreme Court ; which was decided on 29/4/2013.

10. On the other hand, A/R for the Management strongly urged that the Management adhered to the principle of natural justice and that all relied upon documents were supplied to the workman during the course of domestic enquiry proceedings and hence no prejudice has been caused to the workman. It has been submitted that the witness Jaiveer Singh was just a formal witness who was examined to prove entry in the Roznamcha and First Information Report regarding the case registered against the workman at the Police Station. Ld.A/R for the Management invited attention of this Tribunal to the proceedings dated 2/9/2002 before the Enquiry Officer to show that the workman himself did not lead any evidence despite the fact that he was asked to submit his defence evidence on 24/6/2002. 9/7/2002. 17/7/2002. 31/7/2002. 12/8/2002 and 26/8/2002 and hence, the Enquiry Officer closed the enquiry vide order dated 2/9/2002.

11. I have given my thoughtful consideration to the rival contentions of the parties and have gone through the record carefully.

12. Before I proceed to scan and analyse the enquiry report conducted against the workman/claimant herein, it is worthwhile to mention that when a departmental/domestic enquiry is conducted against an official, it can not be treated as a casual exercise and that the Inquiry Officer has to be wholly unbiased and should act as an Independent Adjudicator. Hon'ble Apex Court in the case of **State of Uttar Pradesh Vs. Saroj Kumar Sinha, reported as (2010) 2 SCC 772 had held as under**

“An inquiry officer acting in a quasi judicial authority is in the position of an independent adjudicator. He is not supposed to be a representative of the department/disciplinary authority/Government. His function is to examine the evidence presented by the Department, even in the absence of the delinquent official to see as to whether the un rebutted evidence is sufficient to hold that the charges are proved

When a departmental enquiry is conducted against the Govt. servant, it can not be treated as a casual exercise. The enquiry proceedings also can not be conducted with a closed mind. The Inquiry Officer has to be wholly unbiased. The rules of natural justice are required to be observed to ensure not only that justice is done but is manifestly seen to be done. The object of rules of natural justice is to ensure that a Govt. servant is treated fairly in proceedings which may culminate in imposition of punishment including dismissal/removal from service.”

13. Original Report of Enquiry against the workman along with the proceedings has been filed on record as Ex.MW1/3 (colly). Perusal of its running page 52 viz. proceeding of enquiry conducted on 22/1/2002 against the workman, would show that when the workman informed the Enquiry Officer that he had not received copy of the chargesheet and enclosures thereof, the Presenting Officer was directed to provide the workman with the copy of the chargesheet and all relied upon documents and only then and there, the same were supplied to the workman. Record of domestic enquiry shows that two witnesses namely S.K. Tyagi, Terminal Manager, TKD (PW1) and Shri Sanjeev Kumar Jain, Partner of M/s Arihant Industries, Okhla (PW 2) were examined before the Inquiry Officer on 9/5/2002 and 16/5/2002 respectively but the workman/charged official had refused to cross examine the witnesses, though he was afforded opportunity to do so. The conscience of this Tribunal was shaken to see the manner in which these witnesses were examined, inasmuch as all the questions to those witnesses were put by the Inquiry Officer (I.O.) himself and not by the Presenting Officer Shri Rajeev Bhardwaj who was very well present and was supposed to put questions to the witnesses to substantiate the charges framed against the charged official/workman here.

14. It is, thus, apparent from the face of record of enquiry proceedings that the Inquiry Officer did not act as an independent and impartial officer to find out the truth, rather he acted as a representative of the Management.

15. In the aforesaid facts & circumstances of the case and the legal position as explained above, the domestic enquiry conducted against the workman can not be said to be in conformity with the principle of natural justice, fair play and fair hearing. As such the enquiry got conducted by the Management against the workman is held to be illegal and improper. This issue is decided accordingly.

Issue No. 2-A

16. Ld. A/R for the Management strenuously contended that this Tribunal has no territorial jurisdiction to entertain the claim petition because when the order of removal dated 26/3/2004 was passed, the claimant was admittedly posted and working at Ludhiana (Punjab). On the other hand, the claimant who argued the matter personally, submitted that this Tribunal has the jurisdiction to try the claim petition because all important events like issuance of charge-sheet, conducting the domestic enquiry and passing the punishment order all are happened at Delhi.

17. I have carefully gone through the record and I am of the considered opinion that there is no force in the submission of the A/R of the Management, inasmuch as admittedly the affairs and activities of the Management Corporation are run & controlled from the office situated here in Delhi i.e. within the jurisdiction of this Tribunal. Apart from this, the domestic enquiry report Ex.MW1/3 clearly shows that the enquiry proceedings were conducted at Delhi against Shri Sanjeev Kumar, the claimant herein, relating to the misconduct during the period he was posted as Assistant (C&O), Northern Region at Tughlagabad, Delhi. The witnesses before the Inquiry Officer were examined at Delhi. As such, it does not lie in the mouth of the Management to argue that this Tribunal has no territorial jurisdiction to try and

decide the claim petition. Accordingly, it is held that this Tribunal has jurisdiction to entertain and decide the claim petition.

18. It has also been argued on behalf of the Management that in fact, the claimant/workman was removed from service vide order dated 26/3/2004 and the appeal filed by the workman was dismissed by the Ld. Appellate Authority vide order dated 29/6/2004 but no prayer challenging the order dated 26/3/2004 and/or order dated 29/6/2004 has been made in the claim petition and as such, the claim petition is not covered under Section 2-A of the Act. The claim petition is barred by time.

19. Per contra, it has been argued by the claimant that the claim petition is well within time because the Special Leave Petition bearing No.7937 of 2013 preferred by him against the order dated 21/8/2012 passed by Division Bench of Hon'ble High Court of Delhi, was dismissed vide order dated 29/4/2013. Thereafter, the claimant had again preferred review application before Hon'ble High Court which too was dismissed vide order dated 27/3/2015.

20. Perusal of the record shows that the claimant was removed from service by the Management vide order dated 29/6/2004 on the basis of order dated 26/3/2004 of the Disciplinary Authority of the Management. The claimant had filed a complaint bearing LCA/ID No.11/2008 under Section 33-A of the Act on the ground that the Management failed to seek approval of the punishment from the Tribunal regarding his removal from service. The said complaint was decided by the Tribunal vide Award dated 27/7/2011 (Ex.WW1/53). whereby the order dated 26/3/2003 of the Disciplinary Authority of CCIL removing the claimant from service was declared to be null and void and Management/CCIL was directed to pay all dues of Shri Sanjeev Kumar deeming him to have continued in service of CCIL. Against the said Award, the Management/CCIL approached Hon'ble High Court vide Writ Petition No.7387/2011 but the Single Judge of Hon'ble High Court vide order dated 11/10/2011 (Ex.WW1/54) dismissed the said petition. Then, the Management again moved Hon'ble High Court vide LPA No.943/2011 and the Division Bench of Hon'ble High Court vide order dated 21/8/2012 set aside the judgement of Learned Single Judge and quashed the order dated 27/7/2011 of the Industrial Tribunal which was passed on the application of claimant Sanjeev Kumar under Section 33-A of the Act. Thereafter, Special Leave Petition bearing No.7937 of 2013 was preferred by the claimant which was dismissed vide order dated 29/4/2013. Thereafter, the claimant had again preferred review application before Hon'ble High Court which too was dismissed vide order dated 27/3/2015.

21. It is fairly settled that provisions of Section 2-A of the Act enable a workman to approach Labour Court or Industrial Tribunal directly, without requirement of reference by Govt, in the cases where any employer discharges, dismisses, retrenches or otherwise terminates the service of an individual workman, for adjudication of the dispute after expiry of forty five days from the date he makes an application to the Conciliation Officer of the Appropriate Govt. However, clause (3) of Section 2-A of the Act clearly provides that such an application/claim shall be made to the Labour Court or Tribunal **before the expiry of three years from the date of his/her discharge, dismissal, retrenchment or otherwise termination of service.**

22. It appears that the claimant adopted a very casual approach for redressal of his grievance, inasmuch as the claim petition under Section 2-A of the Act was filed by him only on 5th July, 2016, though the Management had imposed punishment of his removal from service vide order dated 29/6/2004 on the basis of report dated 26/3/2004 of Disciplinary Authority. Even if it is admitted for the sake of arguments that the claimant had earlier moved a complaint under Section 33-A of the Act before the Tribunal, only in the year **2008, that is to say** not before the expiry of three years from the date of his **removal from service.** As discussed in para 20 above, the Management/CCIL had filed LPA No.943/2011 before Hon'ble High Court against the judgement dated 10/10/2011 of Single Judge. While disposing & summing up of the said LPA, Division Bench of Hon'ble High Court in para 57 of the judgement dated 21/8/2012 had held as under :-

“Though we have earlier observed that the question of justifiability of the disciplinary action was also required to be gone into in Section 33-A proceedings but having now found that there was no dispute requiring any application under Section 33(2)(b), the complaint under Section 33-A itself would be not maintainable. The question thus, of the justifiability of the disciplinary action of removal from service being tested in Section 33A proceedings or the matter being required to be remanded for the said purpose, does not arise. **The remedy now of Shri Sanjeev Kumar is only to raise a dispute qua his termination.**”

As mentioned above, the Division Bench of Hon'ble High Court had clearly held that the remedy available with Sanjeev Kumar (claimant herein) was only to raise a dispute qua his termination but he did not raise any dispute qua his termination. Rather, he preferred Special Leave Petition bearing No.7937 of 2013 before Hon'ble Supreme Court, against the aforesaid order of the Hon'ble High Court. The SLP was also dismissed vide order dated 29/4/2013. Thereafter, the claimant had again preferred review application before Hon'ble High Court which too was dismissed vide order dated 27/3/2015. Even then the claimant did not take steps at the earliest because he filed the instant claim petition under Section 2-A of the Act only on 5th July, 2016 i.e. after expiry of more than 15 months of the dismissal of his review application by the Hon'ble High Court. All this shows callousness on the part of the claimant/workman.

23. Before concluding I may mention that during the course of arguments, the claimant had heavily relied on the decision of Hon'ble Supreme Court in the case of **Sree Narayana Dharmasanghom Trust Versus Swami Prakashanand & others, (1997) 6 SCC 778** to stress that order of Hon'ble Supreme Court dismissing his SLP in limine operates as a final order between the parties and the order passed by the Hon'ble High Court stands merged with the order of the Hon'ble Supreme Court and as such, the period of limitation be calculated from the order so passed by Hon'ble Supreme Court. It is reiterated that the SLP so filed by the claimant herein against the order dated 21/8/2012 of

the Hon'ble High Court was dismissed by the Hon'ble Supreme Court vide order dated 29/4/2013. Even in such a situation, the claimant ought to have filed the present petition under Section 2-A of the Act, latest by 29-4-2016 which was not done by him, rather the present petition was filed only on 5/7/2016. It has been held in the case of **Smt. Swapana Adhikari Versus State of West Bengal, 2014 LLR 498 (CaL.)** that under no circumstances, the Industrial Tribunal/Labour Court can accept and decide such an application under Section 2-A of the Act after expiry of three years. Hon'ble Apex Court in the case titled **Ajaib Singh Versus The Sirhind Co-operative Marketing-cum-Processing Service Society Limited and another, AIR 1999 SC 1351** has held that provisions of Limitation Act are not applicable to the proceedings under the Limitation Act. Hon'ble Karnataka High Court in the case of **M/s ItcInfotech India Ltd. Versus Mr Venkataramana Uppada (W.P. No.27510/2015 -decided on 3/3/2016)** held that the provisions of Section 2-A of the Act are mandatory and that on the expiry of three years from the date of discharge, dismissal etc., the right to invoke Section 2-A of the Act would stand extinguished.

24. Having regard to the legal position as explained above as well as the facts & circumstances of the case, this Tribunal is of the considered view that there is inordinate delay in moving the instant claim petition and it is held that the claim so filed by the claimant is patently barred by time and the claim petition is liable to be dismissed on this score alone. This issue is therefore decided accordingly against the claimant.

Issue No. 2 and 3

25. In view of my findings on issue No.1 and 2-A above, these issues have become redundant and no findings are called for.

Relief :

In the light of the aforesaid, this Tribunal is constrained to hold that the present claim petition being hopelessly barred by limitation is liable to be dismissed. Award is passed accordingly.

Date : 11.09.2018

AVTAR CHAND DOGRA, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 116.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 6/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.01.2019 को प्राप्त हुए थे।

[सं. एल-31011/12/2007-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 116.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2008) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the management of Mumbai Port Trust and their workmen which were received by the Central Government on 17.11.2019.

[No. L-31011/12/2007-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI**

PRESENT : M. V. Deshpande, Presiding Officer

REFERENCE NO. CGIT-2/6 of 2008**EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST**

The Chairman,
Mumbai Port Trust,
Port Bhawan, S.V. Marg,
Ballard Estate,
Mumbai – 400 001.

AND

THEIR WORKMEN

The Secretary,
Mumbai Port Trust Dock & General Employees
Union, Port Trust Kamgar Sadan,
Nawab Tank Road, Mazgaon,
Mumbai – 400 010.

APPEARANCES:

FOR THE EMPLOYER : Mr. M. B. Anchan, Advocate

FOR THE WORKMEN : Shri J. H. Sawant, Advocate

Mumbai, dated the 15th November, 2018

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-31011/12/2007 – IR (B-II) dated 24.12.2007. The terms of reference given in the schedule are as follows :

“Whether the action of the management of Mumbai Port Trust in imposing the penalty of reduction in pay by two stages for a period of one year with prejudice to his future increments and treating his suspension period as period not spent on duty but be taken into consideration for pension and pensionary benefits on Shri U.S. Gawade, Security Guard is legal and justified. If not, to what relief the concerned employee is entitled ?”

2. After the receipt of the reference, both the parties were served with the notices.

3. Second party workman wants to dispose of the reference as he is not interested in prosecuting the case. Application bears signature and signature of his advocate.

4. In view of this pursis the reference is disposed off since withdrawn.

5. Other side has also no objection for withdrawing the reference. Hence the reference is withdrawn and disposed off.

ORDER

Reference is withdrawn and hence disposed off.

Date: 15.11.2018

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 117.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांदला पोर्ट ट्रस्ट के प्रबंधन से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 43/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-37011/04/2017-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 117.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2017) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of Kandla Port Trust and their workmen which were received by the Central Government on 07.01.2019.

[No. L-37011/04/2017-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer,
CGIT cum Labour Court,
Ahmedabad,
Dated 03rd December, 2018

Reference (CGITA) No. 43/2017

The Chairman,
Kandla Port Trust,
P.O. Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,
Kandla Port and Dock SC/ST Employees Union,
SGX – 36, 37, Ward No. 2-B,
Adipur,
Kutch (Gujarat) – 370205

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/04/2017-IR (B-II) dated 16.05.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Gandhidham by not providing employment on compassionate ground to Smt. Nanubai widow of late LaxmanJuma, is legal and justified? If not, what relief the workman concerned is entitled to?”

1. The reference dates back to 16.05.2017 and received on 30.05.2017 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. Notice Ex. 2 was issued to both the parties on 28.12.2017 to appear on 28.02.2018. The first partyThe Chairman, Kandla Port Trust, P.O. Box No. 50, Gandhidham, Kutch submitted the vakalatpatra Ex. 4 of his advocate Shri K.V. Gadhia Associates on 25.04.2018 but despite service of notice on the second party union The General Secretary, Kandla Port and Dock SC/ST Employees Union, SGX – 36, 37, Ward No. 2-B, Adipur,

Kutch on 28.02.2018, statement of claim has not been filed by him, therefore, it appears that the second party union is not willing to prosecute the reference.

3. Therefore, the reference in the absence of the statement of claim and evidence of the second party union, is disposed of with the observation as under: “the action of the Chairman, Kandla Port Trust, Gandhidham by not providing employment on compassionate ground to Smt. Nanubai widow of late LaxmanJuma, is legal and justified.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 118.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. सीआरएल टर्मिनल प्राइवेट लिमिटेड के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय के अहमदाबाद के पंचाट (संदर्भ संख्या 40/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-37011/10/2017-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 118.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 40/2017) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of M/s. CRL Terminal Pvt. Ltd. and their workmen which were received by the Central Government on 07.01.2019.

[No. L-37011/10/2017-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad,
Dated 20th December, 2018

Reference: (CGITA) No. 40/2017

1. The Managing Director,
M/s. CRL Terminal Pvt. Ltd. (A Royal Vopak Co.),
Unit No. 201, 2nd Floor, Trade Centre,
BandraKurla Complex, Bandra (East),
Mumbai – 400051
2. The Terminal Manager,
M/s CRL Terminal Pvt. Ltd. (A Royal Vopak Co.),
Near Oil Jetty, Old Kandla,
Kutch (Gujarat) – 370210

...First Parties

V/s

The General Secretary,
Transport and Dock Workers Union,
21, Yogesh Building, Plot No. 583, Ward 12 C,
Gandhidham (Gujarat) – 370201

...Second Party

For the First Parties : None

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/10/2017–IR(B-II) dated 09.05.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the Transport Dock Workers Union, Kandla (Gujarat) regarding regularisation of services of 68 workmen/contract labours engaged by M/s CRL Terminal Pvt. Ltd., (A Royal Vopak Company) through contractor is legal, just and proper?”

And

“Whether the said 68 contract labours/workmen are also entitled for benefits payable to employee directly engaged by said company? If not, then what relief the said workmen are entitled and from which date?”

1. The reference dates back to 09.05.2017 and received on 22.05.2017 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. All the parties issued notice Ex. 2 on 16.03.2018 to appear on 10.05.2018 for to submit their claims. Acknowledgements of receipt of notice also received from the second party and first party no. 2 vide Ex. 3 and 4 respectively. Acknowledgement of receipt of notice sent to first party no. 1 received as un-served. But despite service of notice, the second party union or their workmen did not prefer to submit statement of claim. After that, 5 more opportunities were given to the second party union to submit the statement of claim but to no result.
3. Thus it appears that the second party union or their workmen are not willing to prosecute the case.
4. Therefore, the reference is disposed of in the absence of the statement of claim of the second party union with the observation as under: “the demand of the Transport Dock Workers Union, Kandla (Gujarat) regarding regularisation of services of 68 workmen/contract labours engaged by M/s. CRL Terminal Pvt. Ltd., (A Royal Vopak Company) through contractor is illegal, unjust and improper and the said 68 contract labours/workmen are not entitled for benefits payable to employee directly engaged by said company.”

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 119.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मुम्बई पोर्ट ट्रस्ट के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 80/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-31011/4/2009-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 119.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/2009) of the Central Government Industrial Tribunal-cum-Labour Court, No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the management of Mumbai Port Trust and their workmen which were received by the Central Government on 07.01.2019.

[No. L-31011/4/2009-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI****PRESENT : M. V. Deshpande, Presiding Officer****REFERENCE NO.CGIT-2/ 80 of 2009****EMPLOYERS IN RELATION TO THE MANAGEMENT OF MUMBAI PORT TRUST**

The Chairman,
Mumbai Port Trust,
ShoorjiVallabhadas Marg,
Ballard Estate, Mumbai,
MUMBAI – 400 001.

AND**THEIR WORKMEN**

The General Secretary,
Mumbai Port Trust General Workers Union,
1st Floor, Kavarana Building, 26/4, P.D. Mello Road,
WadiBunder, Mumbai.
MUMBAI – 400 009.

APPEARANCES:

FOR THE EMPLOYER : Mr. Umesh Nabar, Advocate
FOR THE WORKMEN : Mrs. P. Shetty, Advocate

Mumbai, dated the 30th November, 2018**AWARD PART – I**

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-31011/4/2009 – IR (B-II) dated 13.10.2009. The terms of reference given in the schedule are as follows :

“Whether the action of the management of Mumbai Port Trust by compulsory retiring the workman Shri Jaywant Govind Raut, Mazdoor, Telephone Section, P & R Department of the Mumbai Port Trust w.e.f. 19.3.2008 is legal and justified ? What relief the workman is entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices. They appeared through their respective representatives.

3. The second party union has filed statement of claim Ex.5. According to the second party union, the concerned workman was appointed as Mazdoor in Docks dept on and from 16.11.1981. He was posted on re-employment as Mazdoor in Telephone Section of Planning & Research Dept. w.e.f. 20.7.2001. He was in continuous employment of the first party management from 16.11.81 and a permanent Gr.D employee.

4. It is the case of the second party union that the concerned workman was compulsorily retired from the services w.e.f. 19.3.08 illegally. He was issued charge sheet dt.5.1.07 on the allegations that he was indulged in harassing one of the lady officers of MbPT. The concerned workman submitted his reply to the charge sheet. The first party thereafter instituted the departmental enquiry to investigate into the charges. The departmental enquiry was commenced on 12.4.07 and concluded on 23.10.07. The E.O. by report dt. 12.11.07 held all the charges leveled against the workman as proved. Thereafter the disciplinary authority concurred with the findings of the E.O. and workman was issued show cause notice dt. 3.1.08. The workman submitted his explanation on 28.1.08. The penalty of removal from service was imposed upon the concerned workman by order dt. 19.3.08. Being aggrieved by the order of the disciplinary authority imposing punishment of removal, concerned workman preferred appeal dt.3.4.08 before the appellate authority. The appellate authority granted personal hearing to the concerned workman on 21.5.08. The appellate authority modified the penalty of removal from service to compulsory retirement by order dt.30.5.08.

5. It is the case of the concerned workman that in the departmental enquiry prosecution could not adduce any evidence against him which warranted his compulsory retirement from service. E.O. did not appreciate voluminous evidence adduced on behalf of the workman.

6. It is also a case of the concerned workman that he himself and his wife were assaulted and threatened on 26.12.05 and 31.12.05 on the incidence of one Mrs. P.R. Patne and therefore he and his wife lodged complaint with the concerned authorities. Thereafter Mrs. Patne has lodged complain on 5.8.06. However, no action has been taken by the authority even after follow up letters by the union on behalf of the workman & his wife and instead action has been taken against the workmen. As such the enquiry was carried out hurriedly by the E.O.

7. It is then case of the concerned workman that on one hand he was compulsorily retired on 19.3.08 and on the other hand he was issued with 2nd charge sheet vide letter dt. 18.9.08. He sought time to file reply. The management in reply to said representation dt. 3.10.08 considered and agreed to give extension to file reply by another 30 days. The second charge sheet is still pending and the management has not cancelled or withdrawn the said second charge sheet.

8. It is then case of the concerned workman that Mrs. Patne also lodged another two private complaints on the same matter before Metropolitan Magistrate Court which is pending. The management without waiting for the outcome of the criminal proceedings hurriedly conducted the enquiry and made the workman to retire compulsorily. As such the action taken by the management in terminating i.e. compulsorily retiring the workman from service is illegal.

9. Union therefore by its letter dt. 6.11.08 raised the industrial dispute before the ALC Mumbai. ALC Mumbai admitted the said dispute. However, conciliation proceedings ended in failure. Conciliation report was sent by ALC. As such the dispute is referred for adjudication of the tribunal. The union is therefore asking to held and declare that the action of the management of compulsorily retiring the concerned workman w.e.f. 19.3.08 is illegal and that the concerned workman is entitled for reinstatement in his service with full back wages and continuity of service.

10. The first party management resisted claim by filing written statement Ex.6 contending therein that the concerned workman was arrested and detained by the police authority from 26.1.06 to 2.2.06 u/s. 506 (2), 507 & 509 of IPC for alleged involvement in the case of sexual harassment of Mrs. Patne, Asst. Railway Manager of first party. As the workman was in police custody for the period exceeding 48 hours, he was placed under suspension w.e.f. 27.1.06 by order dt. 21.2.06. Thereafter the suspension of the workman was withdrawn on and from 14.8.06 pending departmental enquiry on the basis of recommendation of review committee dt. 8.8.06 and he was allowed to resume duties. Taking into consideration his involvement in case of sexual harassment of the lady employee of the first party and his consequent detention in police custody which amounts to misconduct under MbPT Conduct Regulations 1976, he was issued the charge sheet for violations of Regulations 3 (1), 3 (1a) (vii) & (xv) & 3 (7) of said Regulations. His reply was not found satisfactory and hence enquiry was conducted. There were 28 hearings in the departmental enquiry so as to give ample opportunity to the workmen to defend his case. Opportunities were availed by the concerned workman. As such the sufficient opportunity to defend himself was given to the concerned workman.

11. It is then case of the first party management that during the pendency of disciplinary action against the workman resulting into compulsory retirement upon him once again Sr. Inspector of Police MRA Marg Police station informed the first party that workmen was arrested on 29.6.07 for the offence u/s. 193, 465, 467, 469 read with section 120 (b), 34 & 109 of IPC and remanded to police custody till 6.7.07. He was placed under suspension and continued to remain under suspension till 19.4.08 i.e. the date on which disciplinary authority passed an order imposing punishment of removal from service upon the workman on the recommendations of the review committee. On the basis of detention of workman in the police custody the disciplinary action was taken against him and therefore the second charge sheet was issued before the order of disciplinary authority imposing the punishment of removal from services. The first party accepted the request of the concerned workman and Marathi translation of the charge sheet was given to him. Copy of report of the police officer was also forwarded to him. So according to the first party it is not necessary for the first party to deal with contention of second party in respect of second charge sheet since the action of compulsory retirement was taken against the workman. Therefore the action taken against the workman imposing punishment of compulsory retirement is legal, proper and justified. The findings of the E.O. are on the basis of evidence placed before him and therefore the concerned workman is not entitled to any relief. The first party is thus sought the dismissal of the reference.

12. By filing rejoinder Ex.9, the concerned workman reiterated that the charges against him are not proved. Action of the management is illegal and therefore he is entitled for reinstatement in service with full back wages and continuity of service.

13. Following issues are framed at Ex.8. Issue No.1 is treated as preliminary issue. Hence I reproduce the Issue No.1 along with my findings thereon for the reasons given below:

Sr. No.	Issue	Findings
1	Whether the enquiry by the management MbPT against workman Shri Jaywant Govind Raut, Mazdoor, Telephone Section, P&R Department, was fair and proper ?	Yes

Reasons

Issue No.1.

14. It is well settled that if the service of the employee came to be terminated after proper domestic enquiry held in accordance with the rules of natural justice and the conclusions reached at the enquiry are not perverse, the Industrial Tribunal is not entitled to consider the propriety or correctness of the said conclusion. But at the same time mere form of the enquiry would not satisfy the requirements of industrial law and would protect the disciplinary action taken by the employer from challenge. The enquiry cannot be said to have been properly held unless,

- employee proceeded against has been informed clearly of the charges leveled against him.
- witnesses are examined ordinarily in presence of the employee in respect of charges.
- employee is given a fair opportunity to cross examine the witnesses.

- (d) he is given fair opportunity to examine witnesses including himself in his defence.
- (e) E.O. records findings with reasons for the same in his report.

Now it is to be seen whether in the present case these requirements are complied or not ?

15. From the evidence on record, it appears that the charge sheet was issued to the concerned workman on 15.1.07 for violation of regulations Nos. 3 (1), 3 (1A) (xvii) & (xv) & 3 (viii) of the said regulations. The workman submitted his reply to the charge sheet and thereafter the departmental enquiry was conducted on 12.4.07 and concluded on 23.10.07. It is undisputed that the workman appointed Mrs. KundaSawant, Sr. advocate as his D.R. who defended him throughout the enquiry proceedings. The workman in his cross examination itself has admitted that he has participated in the enquiry proceedings. His D.R. was also present during the enquiry proceedings. On each page of the enquiry proceedings there are signatures of the concerned workman and his D.R. Admittedly, enquiry was initiated against him on the basis of letter dt.3.2.06 given by Sr. Inspector, MRA Marg police station. As per the glaring admission of the concerned workman, enquiry proceedings are correct and he was given opportunity to cross examine the management witnesses during the enquiry. Admittedly, he was also given opportunity to file documents during enquiry. During enquiry concerned workman examined himself and his witnesses and thereafter concerned workman & management submitted their say before the E.O. and then the E.O. gave report dt. 12.12.07. So as per the evidence of concerned workman he was given an opportunity to cross examine the management witnesses during the enquiry and therefore it can be said that the concerned workman was given sufficient opportunity during the course of enquiry to defend himself. It can be said therefore that the requirements in respect of fair enquiry are complied with.

16. Learned Counsel for the concerned workman submitted that the enquiry proceedings were conducted in English and his request to conduct the proceedings in Marathi was rejected and thereby he was denied an opportunity to have fair enquiry since enquiry was conducted in English.

17. In this respect, on going through the enquiry report it is made clear that although the request of the concerned workman to conduct the enquiry proceedings in Marathi was rejected the witnesses were allowed to speak in Marathi. The questions were allowed to put them in Marathi. Replies were recorded in English in presence of D.R. and after confirmation of D.R. so as to ensure that the meaning of the reply is not lost in translation. It is for that reason it appears that the concerned workman has not taken any objection and then participated in the enquiry proceedings. Even it is admitted by him that his D.R. has not given in writing that she required translated copy of enquiry proceedings in Marathi. His D.R. was advocate and it appears that after confirmation with the concerned D.R. the replies of the witnesses were recorded. It cannot be said therefore that the enquiry proceedings were not fairly conducted. It is because no prejudice has resulted to the concerned workman on account of recording the enquiry proceedings in English that to in presence of his D.R. and therefore again it cannot be said that the concerned workman did not have a fair hearing or the disciplinary enquiry against him was not a fair enquiry.

18. In the context, the Learned Counsel for the first party management seeks to rely on the decision in case of State Bank of Patiala & Ors. V/s. S.K. Sharma – 1996 – II – CLR – 29 to submit that if no prejudice is resulted on account of furnishing of copies of statement of witnesses that cannot be said that the employee did not have a fair hearing.

19. Learned Counsel for the concerned workman submitted that the E.O. did not appreciate the evidence adduced on behalf of the workman. In this respect the submission is that the concerned workman & his wife lodged complaint with the authorities before Mrs. Patne has lodged the complaint. However, no action has been taken by the authority even after follow up letters by the union on behalf of the workman and his wife. But then the action has been taken against the concerned workman and the enquiry was carried out hurriedly by the investigating officer.

20. On going through the enquiry proceedings by no stretch of imagination it can be said that the enquiry was conducted hurriedly. Management examined 13 witnesses during the course of enquiry and the concerned workman examined 4 witnesses. Even it appears that EO has looked into the evidence in detail and also considered the aspect that the concerned workman and his wife lodged complaint against PW-1 and also referred to various letters written by union to the Chairman and other letters for taking the action against PW-1. It is then conclusion of the E.O. that the union's letters were received subsequent to the police complaint made by PW-1.

21. Next submission of Learned Counsel for the concerned workman is that the EO while recording evidence of Mrs. Patne dis-allowed some of the questions i.e. question No. 75 to 80 on page 170 of the list at C[A], being irrelevant though the questions were not irrelevant as they pertain to alleged confessional statement and the roll of Patkar in obtaining alleged confession and delay in lodging the police complaint. With this the submission is that the EO travelled beyond the scope of charge sheet dt.5.6.07.

22. It is not possible to countenance the view propounded by Learned Counsel for the concerned workman. On going through these questions as is referred above, it appears that the questions pertain to obtaining the permission of superior to take the confession letter from concerned workman and in respect of resignation letter of the concerned workman. The question No. 78 was the suggestion given to the witness to the effect that as per alleged confession letter the witness would not have proceeded criminally against the concerned workman if he had resigned. Such questions are objected by the EO being irrelevant considering the charges leveled against the concerned workman. Obviously, therefore it cannot be said that by rejecting such questions prejudice has been caused to the concerned workman because in respect of confessional statement the EO in his report has considered that the concerned workman and his friends, colleagues and wife were involved in the efforts to resolve the matter internally without letting it go to the police or MbPT authorities and as such it has not come out during the course of enquiry proceedings that concerned workman was

forced to make confessional statement under duress. From the evidence it has been concluded by the EO that the defence of the concerned workman that letter was obtained under duress and he was assaulted and threatened appeared to be after thought.

23. In respect of findings of the EO, it is well settled that industrial tribunal would not be justified in characterizing the findings recorded at domestic enquiry as perverse unless it can be shown that such findings is not supported by any evidence or is entirely opposed to the whole body of evidence adduced before it. In domestic enquiry once the conclusion is deduced from the evidence it is not possible for some other authority to assail that conclusion even though it is possible for some other authority to arrive at different conclusion on the same evidence.

24. In the context reliance is placed on the decision in case of Bank of India & Ors. V/S. Dejalasuryanarayan – 1999 – II – CCLR - 465.

25. The Hon'ble Bombay H.C. in case of Tata Info Media Ltd. V/s. Tata Press Employees Union – 2006 (108) FLR – 890 has observed that where the findings that has been arrived at disciplinary proceedings is sought to be questioned. The essential question to be asked is whether the finding of misconduct is based on some evidence or on no evidence at all. The finding which is based on no evidence is liable to be interfered with because it is susceptible to the interference of arbitrariness and perversity. But once the finding is based on some evidence the sufficiency of evidence is proof of findings lies beyond scope of scrutiny of review court. In view of this legal position it is well settled that the tribunal will not act as appellate court and re-assess the evidence led in domestic enquiry nor interfere on the ground that another view is possible on the matter on record. If the enquiry has been fairly and properly held and findings are based on evidence the question of adequacy of evidence or reliable nature of evidence will not be a ground for interfering with the findings of the departmental enquiry. In the context hand can be led on the decision in case of State Bank of Bikaner & Jaipur V/S. Nemichand & Nalwaya – AIR – 2011 – SC – 1931.

26. As a matter of fact, the charge leveled against the concerned workman was that during the period from 9.6.2005 to 17.11.2005 the concerned workman made anonymous phone calls to Smt. Patne, Asst. Railway Manager, MbPT on her mobile No.9869273806 and made indecent proposals. It is alleged that he black-mailed her by saying that he would show her photograph to her husband if she did not accept her proposals. When she ignored his threats he started making sexual comments which were highly offending. On 17.11.05 he was caught red handed while making such calls by Shri Subramanian, representative of Transport & Docks Workers Union.

27. In this respect on 5.1.06 Mrs. Patne has filed complaint against him with MRA Marg police station and lodged FIR on 16.1.06 against him. With regard to above complaint he was arrested and detained in the police custody u/s. 507, 509 of IPC from 27.1.06 to 2.2.06 for the period exceeding 48 hours. In this respect the submission is that taking into consideration the involvement of the workman in case of sexual harassment of the employee of the first party and his detention in the police custody the workman was issued the charge sheet for violations of regulations Nos. 3 (1), 3 (1A) (xvii) & (xv) & 3 (viii) of the said regulations.

28. On going through the enquiry report, it appears that the E.O. has considered the evidence of PW-1 Mrs. Patne and also the defence of concerned workman and then concluded that from the evidence brought on record there is no doubt that Mrs. Patne was in fact receiving anonymous calls which were obscene threatening and making references to her personal life.

29. From the enquiry report it appears that the E.O. considered the evidence of PW-1 Mrs. Patne and evidence of PW-2 and also the defence of the CSE and then concluded that the CSE i.e. concerned workman was the person who was apprehended while making the call to PW-1 from the No. 56389915 at the booth of Digital Colour Xerox on 17.11.05.

30. Even then, the Learned Counsel for the concerned workman submitted that as regards the finding of the E.O. that concerned workman was apprehended by Mr. Subramanian on 17.11.05 is perverse since considering the distance from the office of Mrs. Patne to booth it would have taken atleast 10 minutes for Mr. Subramanian to reach the booth and therefore the contention of Mr. Subramanian that he apprehended the concerned workman is false.

31. In this respect on going through the enquiry report, it appears that the E.O. while appreciating the evidence of Mr. Subramanian has considered that PW-2 has convincingly replied that he could repeat the action to prove his statement that he could reach the Digital Colour Xerox booth within 10 minutes. The E.O. on the basis of evidence considered that there is no reason to dis-believe PW-1 Mrs. Patne and PW-2 to conclude that CSE was the person who was apprehended while making the phone calls to PW-1 from the No. 56389915. It can be said therefore that the finding of the E.O. is based on evidence.

32. Learned Counsel for the concerned workman seeks to rely on the decision in case of Sur Enamel & Stamping Works Ltd. V/S. Their Workmen – II – LLJ SC – Pg. 1 to submit that if the report is not made available to the concerned workman the enquiry in the circumstances is held vitiated.

33. He seeks to rely on the decision in case of State of Punjab V/s. Deewan Chunelal – AIR – 1970 – SC – 2086 wherein it has been held that the refusal of right to examine the witnesses amounted to denial of reasonable opportunity of showing cause against the action of dismissal.

34. In the instant case it is not the case of concerned workman that the witness of the management has not been made available for cross examination. As such the facts in the instant case are quite distinct & distinguishable.

35. Considering all these facts, I find that the enquiry against the concerned workman was fair & proper and as such the findings of the E.O. are not perverse. I answer the above issue accordingly as indicated against it in terms of above observations.

36. Hence I pass the following order.

ORDER

1. **Enquiry held is fair & proper.**
2. **Findings of the Enquiry Officer are not perverse.**
3. **Parties are directed to argue and lead evidence on the point of quantum of punishment.**

Date: 30.11.2018

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 120.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन से संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 806/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-12012/34/2003-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 120.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 806/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of Dena Bank and their workmen received by the Central Government on 7.01.2019.

[No. L-12012/34/2003-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer,
CGIT-cum-Labour Court,
Ahmedabad,
Dated 17th December, 2018

Reference: (CGITA) No. 806/2004

The Assistant General Manager (P),
Dena Bank,
Maker Towers, E Wing, Cuffe Parade,
Mumbai – 400005

...First Party

V/s

Shri G. B. Parmar,
Mahadev Nagar Society,
1/28, Zadeshwar Road,
Behind Jyotinagar, Post Maktampur,
Bharuch (Gujarat)

... Second Party

For the First Party : Shri C.S. Naidu Associates

For the Second Party : Shri Lalit M. Patil

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/34/2003–IR(B-II) dated 19.05.2003 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Dena Bank through its Officers in terminating the services of Shri Govindbhai B. Parmar is legal, proper and justified? If not, to what relief the concerned workman is entitled to and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 19.05.2003 and received on 18.06.2003 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. In response to the notices issued by the Tribunal to the parties, the second party workman Govindbhai B. Parmar, hereinafter, referred to as “workman” submitted the statement of claim Ex. 4 alleging that he has been appointed by the first party Dena Bank, hereinafter referred to as “Dean Bank” in sub-ordinate cadre at its Godhra branch on 08.10.1975. Later in the month of October 1993, the workman was transferred to the Bharuch branch of Dena Bank. Later he was promoted in the clerical cadre and was posted at Nikora Branch of Dena Bank. During the whole tenure of service in Dena Bank, his work was satisfactory. He has further alleged that while serving in the Nikora branch as a Clerk, prior to his termination of service, his services were also utilised as a Branch Manager in the said branch. He has further alleged that Dena Bank issued him an order of suspension vide letter no. BRO/PER/8/4/1086/2000 dated 24.05.2000. He was also served with a charge-sheet bearing no. VRO/PER/8/4/1114/2000 dated 09.06.2000. The departmental enquiry was initiated on the basis of said charge sheet but departmental enquiry was not conducted in accordance with the principles of natural justice as the Enquiry Officer as well as the Presiding Officer acted with an ulterior motive and reasons. The departmental enquiry was conducted within a day showing their arbitrary attitude and motive. After receiving the enquiry report, the disciplinary authority proposed and imposed the penalty of removal from service with immediate effect vide letter no. VRO/PER/8/3/1506/2001 dated 14.02.2001 which was mala-fide, arbitrary and in gross violation of principles of natural justice. It was also harsh and disproportionate to the alleged misconduct. The termination was also challenged by the workman before the appellate authority, same was rejected by the appellate authority vide letter no. VRO/PER/8.3/3197/2002 dated 15.02.2002. He has further alleged that the service conditions of the Bank were governed by Sastri Award, Desai Award and subsequent Bi-partite Settlement which were not followed in his case. He has further alleged that he was not paid the subsistence allowance as per the Bi-partite Settlement. He offered to deposit the requisite amount as alleged in the charge-sheet. Thus the action taken by the Dean Bank was unjust, improper and illegal, therefore, the workman has prayed for reinstatement with effect from 28.02.2001 with full back wages and continuity of service.
3. The first party Dena Bank submitted written statement Ex. 9 admitting the fact that the workman was working as cashier cum clerk at Nikora Branch and denied all the allegations labelled in the statement of claim and submitted that the workman had been working with the Dena Bank as cashier cum clerk at Nikora Branch of the Bank where he committed irregularities and misappropriated the various amounts received from various deposits of account holders for depositing their accounts totalling Rs.153176/-. The workman was suspended from service vide letter dated 24.05.2000. The bank issued him a detailed charge-sheet dated 09.06.2000 inter alia making allegations of gross misconduct in terms of Para 19.5 (d) (j) of the Bi-partite settlement dated 19.10.1966 viz. “wilful damage or attempt to cause damage to the property of the Bank or any of its customers and doing any act prejudicial to the interest of the Bank or gross negligence involving or likely to involve the Bank in serious loss”. The workman submitted his explanation to the said charge-sheet vide letter 28.06.2000 where he admitted the charges levelled against him in the charge sheet regarding the misconduct. Looking into the seriousness of the charges, the Bank conducted departmental enquiry and gave him full opportunity to defend himself. The enquiry officer in his enquiry report found the workman guilty of charges levelled against him, therefore, the disciplinary authority passed the order of removal from service. The enquiry conducted by the Dena Bank was legal and according to the principles of natural justice and in case, the Tribunal comes to the conclusion that the enquiry conducted by the Dena Bank was illegal or in violation of the principles of natural justice and if it suffers with the perversity then the Dena Bank may be permitted to lead evidence to substantiate the charges levelled against the workman.
4. The second party workman has also submitted number of documents vide list Ex. 11. All are photocopied and are not certified. He has also submitted number of documents vide list Ex. 21. All are also zerox copies and uncertified. Thereafter, he also submitted number of documents vide list Ex. 23 namely copies of suspension order, charge-sheet, papers related to the departmental enquiry, order of removal from service, enquiry report, order on appeal, copy of appeal etc. He has also submitted the copy of judgement vide list Ex. 25 by which the Criminal Court acquitted the workman for the charges levelled under Section 409 of Indian Penal Code (IPC).
5. On the basis of the pleadings, the following issues arise:
 - i. Whether the action of the management of Dena Bank through its Officers in terminating the services of Shri Govindbhai B. Parmar is legal, proper and justified?
 - ii. To what relief, if any, the concerned workman is entitled?

6. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workman who submitted his affidavit Ex.12 reiterating the averments made in the statement of claim. In his cross-examination, he has admitted that he is 60 years old and he is unemployed since his removal from service and did not search any job thereafter.

7. The first party did not prefer to lead any oral and documentary evidence and has not denied the documents submitted by the workman. Thus the documents oral and documentary submitted by the workman appears that the enquiry was held in a summery manner or in a single day. While on the same charges, the Court of 5th Additional Civil Judge and Judicial Magistrate, Bharuch acquitted the workman.

8. This is a basic principle of law that the findings and judgements of the Judicial Court should be obeyed and honoured. The judgement reveals that the depositors whose amount alleged to have been misappropriated by the workman appears to have not supported the charges levelled against the workman, that's why the workman was acquitted by the Criminal Court.

9. It is true that there is no bar to initiate departmental proceedings side by side with the criminal trial but the terms and conditions of the Bi-partite settlement states that the judgement of the Judicial Court must be honoured. This has not been done in the case. The principle of departmental enquiry makes it mandatory for the enquiry officer to examine the witnesses and must give the opportunity to the delinquent official to cross-examine the witnesses which has not been done in this case. Therefore, the enquiry report is sham and bogus and cannot be believed.

10. Thus in the light of the acquittal of the workman by the Criminal Court for the charges levelled against him under Section 409 of Indian Penal Code(IPC), the action taken by the Dena Bank against the workman Govindbhai B. Parmar does not passed the test of law. Thus the action taken is liable to be set aside. Issue No. i and ii are decided in favour of the workman and the action of termination of service of Govindbhai B. Parmar is set aside. As the workman Govindbhai B. Parmar has passed the age of superannuation and he is 68 years old, therefore, notional order of reinstatement is passed with all seniority and benefits. The Issue No. i and ii are decided accordingly.

11. The first party Dena Bank is directed to reinstate the workman from the date of suspension notionally. He shall be given pension as admissible at the time of retirement after giving all service benefits but he will not be given any arrear of pay from the date of suspension to the age of superannuation. However, he will be given a lump-sum amount of Rs.300000/- (Rupees Three Lac) for the period he did not serve the bank as being suspended and terminated.

12. The award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 121.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मै. एस जी एस इण्डिया लिमिटेड के प्रबंधन से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय नं. 2, मुम्बई के पंचाट (संदर्भ संख्या 28/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-36011/2/2016-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 121.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 28/2016) of the Central Government Industrial Tribunal cum Labour Court, No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the management of M/s SGS India Pvt. Ltd. and their workmen which were received by the Central Government on 07.01.2019.

[No. L-36011/2/2016-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

PRESENT : M. V. Deshpande, Presiding Officer

REFERENCE NO. CGIT-2/28 of 2016

EMPLOYERS IN RELATION TO THE MANAGEMENT OF M/S. SGS INDIA PVT. LTD.

The Regional Branch Manager-South II,
M/s. SGS India Pvt. Ltd., Satyabhama Bldg.,
3rd Fl., Above SBI, F.L. Gomes Road,
Vasco-da-Gama, Goa – 403 802.

AND

THEIR WORKMEN

The General Secretary,
Marmagao Waterfront Workers Union,
P.B. No. 90, Vasco-da-gama, Goa,
Goa –

APPEARANCES:

FOR THE EMPLOYER : Absent
FOR THE WORKMEN : Absent

Mumbai, dated the 15th November, 2018

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-36011/2/2016 – IR (B-II) dated 21.10.2016. The terms of reference given in the schedule are as follows :

“Whether the action of the management of SGS India Pvt. Ltd., Vasco-da-Gama, Goa in the alleged illegal transfers of Smt. Vanita S. Shenvi and Shri Amol U. Naik, Chemists is fair, legal and justified ? What relief they are entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices.

3. On going through Roznama it appears that the second party union remained absent since long. Union has not filed statement of claim therefore there is no evidence to substantiate the claim and hence for want of evidence the reference is rejected with no order as to costs.

ORDER

Reference is rejected with no order as to costs.

Date: 15.11.2018

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 122.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांदला पोर्ट ट्रस्ट के प्रबंधन से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 145/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-37011/2/2009-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 122.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 145/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of Kandla Port Trust and their workmen which were received by the Central Government on 07.01.2019.

[No. L-37011/2/2009-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 18th December, 2018

Reference (CGITA) No. 145/2010

The Chairman,
Kandla Port Trust, P.O. Box No. 50,
Gandhidham, Kutch (Gujarat)

...First Party

V/s

The General Secretary,
All India Safai Mazdoor Sangh,
157 – A, Shakti Nagar,
Gandhidham, Kutch (Gujarat)

... Second Party

For the First Party : Shri K.V. Gadhia
For the Second Party : Shri Premkumar R. Dagar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/2/2009-IR (B-II) dated 13.10.2009 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Gandhidham in awarding the punishment of compulsory retirement from service vide order dated 16.11.2005 to Shri Jagdish Chauhan, Ex-ward orderly is legal and justified? If so, what relief the workman concerned is entitled to?”

1. The reference dates back to 13.10.2009 and received on 26.10.2009 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. In response to the notices issued to the parties, the second party workman Jagdish Chauhan, hereinafter referred to as “workman” submitted the statement Ex. 2 along with the authority letter Ex. 3 issued in favour of Premkumar R. Dagar, National Officiating Chairman, Akhil Bhartiya Safai Mazdoor Sangh, Gandhidham. He has alleged in his statement of claim that he is a Schedule Caste resides on the address 741/11 B, Balmiki Society, Gopalpuri, Gandhidham, Kutch. He studied up to class 9th. He was appointed in the medical department of Kandla Port Trust on the post of ward attendant on 27.07.1982 at the basic pay of Rs.325/- plus dearness allowance along with necessary allowances vide appointment letter no. MH/PS 2280/1272 dated 05.08.1982. He used to serve with honesty and diligently. He was made permanent on the said post after the completion of probation period. Thereafter, he was promoted to the post of ward orderly but these confirmation letters and promotion orders were lost. He never committed any misconduct and there was no complaint against his work. He was never served with any charge-sheet for any misconduct but he refused to serve the medical officers and

nursing staff by way of bringing tiffin from their houses and to do their domestic works in their houses. He has further alleged that on 17.09.2004, he was called in the office by the head clerk V.M. Sankhala by way of making a telephone call in his neighbour's phone while he was sleeping in his house being on leave at 14:30 hour where he was beaten by the head clerk V.M. Sankhala. Somehow he escaped from the office to save his life. His complaint was not registered in the hospital by the concerned clerk, therefore, he make a written complaint on 18.09.2004 to the Chief Medical Officer but the Chief Medical Officer ignoring his complaint put him under suspension vide order no. MH/PS/2280-I/484 dated 21.09.2004. Thereafter, he made a representation to the Kandla Port on 23.09.2004. He has further alleged that ignoring his aforesaid complaint and representation, he was charge-sheeted on the complaint of head clerk V.M. Sankhala vide charge-sheet memorandum no. MH/PS/2280-I/698 dated 13.10.2004 and he was subjected to departmental enquiry by appointing an enquiry officer named S.L. Kharadi. The enquiry officer conducted the enquiry on 06.01.2005 to 19.03.2005 on various dates in 6 sittings and submitted the enquiry report. He has further alleged that he was not permitted to examine his witnesses in the enquiry; therefore, the enquiry was mala-fide. The Chief Medical Officer vide letter no. MH/PS/2280-I/161 dated 19/20.07.2005 issued him a show-cause notice as to why his services not to be dismissed under Regulation 9(IX) of KPE (CCA) Amendment Regulations, 2004. The workman made a representation/appeal to the Chief Medical Officer, Kandla Port Trust. The Chief Medical Officer, Kandla Port Trust vide letter no. MH/PS/2280-I/672 dated 16.11.2005 after considering the representation of the workman passed the order of dismissal from service of the workman. The workman made an appeal against the said order to the Chairman, Kandla Port Trust. The chairman, Kandla Port Trust vide letter no. MH/PS/2280-I/142 dated 05.09.2006 rejected the appeal. The workman has further alleged that he was not given proper opportunity in the enquiry by way of producing his witnesses and the action taken was out of malice and disproportionate. Therefore, he has prayed for reinstatement with back wages.

3. The first party Kandla Port Trust, hereinafter referred to as "first party" submitted the written statement Ex. 6 denying the allegations levelled in the statement of claim and submitted that the workman joined the service on 27.07.1982 as a ward attendant at Kandla Port Hospital, Gopalpuri. He has not been discharging his duties faithfully and diligently. On 17.09.2004 at about 15:35 hours, the workman Jagdish Chauhan threatened the head clerk and other staff members on telephone under the protects that his medical bill not counter signed and he came to the office and abused and threatened to kill the head clerk V.M. Sankhala and nursing staff in case his medical bills are not sanctioned. The medical bills in question in fact were handed over to the concerned dealing clerk on 17.09.2004 but as the certificate was not signed by Dr. Vachhani whom his son was referred, the bills could not be got counter signed by the Chief Medical Officer immediately. V.M. Sankhala made a complaint along with the joint representation of other staff of the office regarding the abuse and threat of the workman in inebriated condition; therefore, he was transferred to other department. Later on, he was served with the charge-sheet subjected to departmental enquiry and after the conclusion of enquiry, he was dismissed from service. The first party has submitted all the relevant documents including enquiry report and dismissal order vide list Ex. 7 along with the written statement.
4. The workman vide application Ex. 10 challenged the legality of enquiry on the ground of being violative of the principle of natural justice alleging that one S.L. Kharadi was appointed as Enquiry Officer in the questioned departmental proceedings. On 06.01.2005 at 15:30 hour, first sitting of the departmental proceedings was held wherein the Enquiry Officer S.L. Kharadi, Presenting Officer Dr. Mahesh Bapat, workman's defence assistant Lalit Variyani and workman himself were present and next date was fixed on 28.01.2005. On 28.01.2005, all the aforesaid officers were present and the necessary documents were exchanged between both the parties, fixing 15.02.2005 as next date of hearing. On 15.02.2005, the date was adjourned to 17.02.2005, thereafter 23.02.2005 and 09.03.2005. On 09.03.2005, all the aforesaid officers were present and proceedings were conducted asking the workman to sit outside the room. Thereafter, 11.03.2005 was fixed. On 11.03.2005 and 17.03.2005, all the necessary witnesses were examined and thereafter on 19.09.2005, the workman as a charged workman was examined which was alleged to be violative of the principles of natural justice.
5. The workman was cross-examined on this application Ex. 10 on 18.01.2016 wherein he has not uttered a single word which may create any doubt on the irregularity or misconduct of the Enquiry Officer and the Presenting Officer in his departmental proceedings.
6. The most important thing in the matter of legality of the departmental proceedings can be assessed from the cross-examination of the workman. As have already pointed out that the workman has not uttered a single word as to whether the Enquiry Officer or the Presenting Officer were prejudiced, or the workman was ever denied to produce any necessary evidence which would have been necessary for the just decision of the proceedings. Thus I did not find any illegality in the departmental proceedings.

7. Thus the application Ex. 10 was disposed of on 03.10.2017 declaring the departmental inquiry as legal.
8. On the basis of the pleadings, the following issues arise:
 - i. Whether the action of the Chairman, Kandla Port Trust, Gandhidham in awarding the punishment of compulsory retirement from service vide order dated 16.11.2005 to Shri Jagdish Chauhan, Ex-ward orderly is legal and justified?
 - ii. To what relief, if any, the concerned workman is entitled?
9. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workman who submitted the affidavit Ex. 8 again reiterating the averments made in the statement of claim. In his examination-in-chief as well as cross-examination, he has not stated anything which may become basis of punishment as being excessive or disproportionate. Therefore, I come to the conclusion that a sub-ordinate staff who without any reason abuses and makes threat to kill a senior official and other staff in inebriated condition does not deserve for any relief in reducing the punishment. Such a punishment of compulsory retirement from service is justified for the aforesaid behaviour because the appellate authority has already reduced the punishment from dismissal from service to compulsory retirement giving him the benefit of pension and gratuity.
10. Thus the reference is rejected and award is passed against the second party workman with the observation that the action of the Chairman, Kandla Port Trust, Gandhidham in awarding the punishment of compulsory retirement from service vide order dated 16.11.2005 to Shri Jagdish Chauhan, Ex-ward orderly is legal and justified in the light of the discussions made in Para No. 9. The issue no. i and ii are decided accordingly.
11. The award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 123.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांदला पोर्ट ट्रस्ट के प्रबंधन से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 80/2017) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुए थे।

[सं. एल-37011/16/2017-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 123.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 80/2017) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of Kandla Port Trust and their workmen which were received by the Central Government on 07.01.2019.

[No. L-37011/16/2017-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD

Present....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 03rd December, 2018

Reference (CGITA) No. 80/2017

The Chairman,
Kandla Port Trust,
P.O. Box No. 50, Gandhidham,
Kutch (Gujarat) – 370201

...First Party

V/s

The General Secretary,
Kandla Port and Dock SC/ST Employees Union,
SGX – 36, 37, Ward No. 2-B,
Adipur,
Kutch (Gujarat) – 370205

...Second Party

For the First Party : Shri K.V. Gadhia
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/16/2017–IR(B-II) dated 05.09.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Gandhidham by not providing employment on compassionate ground to Shri Nitinkumar son of late Tejsi Kara, Ex-D/R/Khallasi is legal and justified? If not, what relief the workman concerned is entitled to?”

1. The reference dates back to 05.09.2017 and received on 12.09.2017 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. Notice Ex. 2 was issued to both the parties on 28.12.2017 to appear on 28.02.2018. The first party The Chairman, Kandla Port Trust, P.O. Box No. 50, Gandhidham, Kutch submitted the vakalatpatra Ex. 4 of his advocate Shri K.V. Gadhia Associates on 25.04.2018 but despite service of notice on the second party union The General Secretary, Kandla Port and Dock SC/ST Employees Union, SGX – 36, 37, Ward No. 2-B, Adipur, Kutch on 28.02.2018, statement of claim has not been filed by him, therefore, it appears that the second party union is not willing to prosecute the reference.
3. Therefore, the reference in the absence of the statement of claim and evidence of the second party union, is disposed of with the observation as under: “the action of the Chairman, Kandla Port Trust, Gandhidham by not providing employment on compassionate ground to Shri Nitinkumar son of late Tejsi Kara, Ex-D/R/Khallasi is legal and justified.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 124.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इण्डिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 1205/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुआ था।

[सं. एल-12012/94/2002-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 124.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1205/2004) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of Bank of India and their workmen which were received by the Central Government on 07.01.2019.

[No. L-12012/94/2002-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 10th December, 2018

Reference (CGITA) No. 1205/2004

The General Manager,
Bank of India,
Head Office, Express Towers, Nariman Point,
Mumbai – 400021

...First Party

V/s

Shri Mahendrakumar Mahashankar Vadia,
13, Panchvati Flats, Opp. Motibaug Agriculture,
Junagadh (Gujarat) – 362001

...Second Party

For the First Party : Shri J.D. Chalishazar
For the Second Party : Party in person

AWARD

The Government of India/Ministry of Labour, New Delhi vide reference adjudication Order No. L-12012/94/2002–IR(B-II) dated 09.09.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chief Regional Manager, Bank of India, Rajkot Region in giving punishment of “Dismissal from service” to Shri Mahendra Kumar M. Vadia vide order dated 05.10.1999 is legal and justified? If not, what relief the concerned workman is entitled to and from which date?”

1. The reference dates back to 09.09.2002 and received in the Tribunal on 03.10.2002 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. After issuing notice to the parties, the second party workman submitted the statement of claim Ex. 7 and alleged therein that he has been working as Cash-cum-Accounts Clerk in Bank of India, Junagadh Branch. He put in 19 years of service on the aforesaid post and performed his duties carefully and diligently. His service record was clean and unblemished. He also passed departmental examination of C.A.I.I.B. Part I and II for which he was given 3 qualification increments by the first party, Bank of India, herein referred to as First Party. He was also short listed for promotion by the First Party but he was not given promotion due to pending prosecution and departmental enquiry at the time of interview, therefore, his result for promotion was kept reserved in the sealed cover/ envelope. He has further alleged that he was made accused for committing fraud by colluding with the outsiders for financial gains in a criminal case being registered after lodging FIR. It was expected that the criminal case ought to be tried speedily but it did not happen and before conclusion of the criminal trial in the year 1999, the first party Bank of India subjected him to departmental proceedings wherein he was awarded with a penalty of dismissal on the ground of having done an act prejudicial to the interest of the Bank or negligence involving or likely to involve the Bank into serious losses under Para 19 (5) (j) of the Bi-partite settlement. It was done by the First Party without authority, therefore, was ultra-wires, premature, mala-fide and against the settled principles of law and rules framed under the bi-partite settlement, as at the time of his appointment as Cash-cum-Accounts Clerk in the year 1980, his appointing authority was the Zonal Manager, Bank of India, Gujarat Zone while in his case, the Regional Manager, Rajkot acted as disciplinary authority and Deputy Zonal Manager, Ahmedabad acted as the appellate authority to hear and dismissed the departmental appeal against the order of punishment in question. Both these officers were junior to his appointing authority i.e. Zonal Manager, Bank of India, Gujarat Zone. Thus the order of dismissal was passed without authority,

therefore, null and void. Secondly, the punishment order was passed under the Bi-partite settlement which provides rules and procedures of disciplinary action and the punishment has been awarded violating the provisions of Bi-partite settlement because he was acquitted in the criminal trial and same was not honoured. The departmental enquiry against him was initiated in the year 1987 after a few sitting; the management put the departmental enquiry in abeyance for 9 years. Again in the year 1996, the management reopened the departmental enquiry and was concluded on 05.12.1996 by the Enquiry Officer S.N. Kundaria, an officer of the Bank which was not independent and fair. The Enquiry Officer violated the principles of natural justice while conducting the departmental enquiry. He was not allowed to engage an advocate as a defence lawyer despite a provision in the Bi-partite settlement. He was also not allowed to inspect the documents taken into consideration while awarding the punishment. The Enquiry Officer also considered the evidence of co-accused given before the Investigation Officer in the criminal case which was not admissible in the departmental enquiry. Thus the findings given by the Enquiry Officer was perverse and the finding thereon is liable to be set aside.

3. The first party Bank of India submitted the written statement Ex. 9 submitting that the averments made in the statement of claim are false and incorrect. The true facts are that the workman Mahendrakumar Mahashankar Vadia was served with a charge-sheet dated 19.06.1986 charging him that he colluded with one Ghanshyam Mohanlal Soni proprietor of M/s Shree Jai Khodiar Metal Industries, 124 GIDC Estate, Porbandar inducing him to open his current account with the first party Porbandar Branch of the Bank. Accordingly, the current account was opened on 18.06.1984 with an initial amount of Rs.500/-. He also colluded with another employee of the Bank of Baroda, Junagadh managing to obtain a cheque book of one of the customers of the Bank of Baroda which was reported to be lost by the said customer to the Bank of Baroda, Junagadh. Thus he had fraudulently issued the cheques in favour of M/s Shree Jay Khodiar Metal Industries, Porbandar.

i. He had further instructed Shri G.M. Soni to deposit these cheques in his current account with Porbandar Branch which was deposited by him on dates mentioned below:

S.No.	Cheque Amount	Deposited On	Date of Credit
1	Rs. 60545/-	19.06.1984	29.06.1984
2	Rs. 60816/-	05.07.1984	14.07.1984
3	Rs. 45350/-	02.07.1984	14.07.1984
4	Rs. 49840/-	09.07.1984	21.07.1984

All the above cheques were drawn on Bank of Baroda, Junagadh Branch and as such Porbandar Branch had sent the same to Junagadh Branch vide S.C.S. No. and date as mentioned below:

S.No.	Cheque Amount	Deposited On	Date of Credit	S.C.S. No. and Date
1	Rs. 60545/-	19.06.1984	29.06.1984	907/20.06.1984
2	Rs. 60816/-	05.07.1984	14.07.1984	924/06.07.1984
3	Rs. 45350/-	02.07.1984	14.07.1984	920/05.07.1984
4	Rs. 49840/-	09.07.1984	21.07.1984	926/09.07.1984

All the above said cheques were received by Junagadh Branch for collection. It was reported that he had instead of presenting the said cheques to Bank of Baroda; Junagadh for clearing, surreptitiously/stealthily removed/destroyed the cheques since at that time he was working in the Clearing Department of the Bank. As a result of which said cheques were never presented in the local clearing to Bank of Baroda nor were reflected in any of the Bank's Books/Records of Junagadh Branch. However, he managed to obtain the signature of the concerned officers on the credit notes falsely representing that all the above cheques received under S.C.S. from Porbandar Branch alternatively Debit Notes were to be sent to Porbandar Branch, were presented and cleared by Bank of Baroda, Junagadh Branch. As a result of which the Credit Notes, which were in fact, to be returned to Porbandar Branch, were in fact fraudulently cleared and the proceeds thereof were credited in the current account of M/s Shree Jai Khodiar Metal Industries, which were ultimately withdrawn from the said current account on four occasions as mentioned below:

- a. Cash of Rs. 60000/- withdrawn on 29.06.1984
- b. Cash of Rs. 107000/- withdrawn on 16.07.1984
- c. Cash of Rs. 30000/- withdrawn on 25.07.1984
- d. Cash of Rs. 36000/- withdrawn on 27.07.1984

The said current account of M/s Shree Jai Khodiar Metal Industries was closed on 28.09.1984.

- ii. The aforesaid fraud committed by him came to light because of long outstanding entries which remained un-reconciled in the Head Office reconciliation statement. In this connection, Porbandar Branch has lodged a Police Complaint at Police Station in Porbandar. During interrogation of Proprietor of M/s Shree Jai Khodiar Metal Industries, he disclosed the fact of second Part workman having colluded with him in the above fraud. He was accordingly arrested by Porbandar Police on 15.06.1986 and it was reported that he had confessed before the Police about him having committed the

- fraud in collusion with Shri G.M. Soni of M/s Shree Jai Khodiar Metal Industries. He is still under police custody.
- iii. It is further reported by him that he had attempted to commit the same type of fraud with the same Modus Operandi and with the collusion of the same staff (Shri Rajpara) of Bank of Baroda, Junagadh for which he had obtained anticipatory bail from the Junagadh Court. The same case is still pending with the Junagadh Court.
 - iv. His above mentioned acts of tampering/destroying with Bank's records/documents with mala-fide intentions to commit a fraud and to deceive Bank management by colluding with outsiders for his own financial gains, thereby doing acts prejudicial to the interest of the Bank, would amount to be gross misconducts in terms of Para 19.5(j) of the first Bi-partite Settlement dated 19.10.1966.
 - v. Considering the gravity of the misconducts committed by him, he was suspended from service of the Bank pending departmental enquiry proceedings with effect from the date of receipt of the order.
 - vi. He was ordered to be paid subsistence allowance as per the provisions of the Bi-partite settlements.
 - vii. He was prohibited from entering the Branch premises even for operating his saving bank account without written permissions of the Manager of Junagadh Branch.
 - viii. He was also directed to leave his postal address where he could be contacted in case he goes out of Junagadh/his place of residence after obtaining permission from Branch Manager.
4. It was further submitted by the first party that the workman had also committed further frauds for which he obtained bail from the Session Court, thus it is clear that the past service record of the second party workman/applicant was not unblemished. Though he cleared the departmental examination for promotion namely C.A.I.I.B. Part I and Part II as well as written test for promotion in the Officer's Cadre but passing of the aforesaid examinations do not absolve him from the charges of the aforesaid misconduct. It is misleading to say that Bank lodged the FIR against him. The truth is that the complainant named G.M. Soni lodged a FIR in the Police station wherein the Police found complicity of second party workman in the crime and accordingly Police arrested him and launched the further prosecution against him.
 5. It is further submitted that the Regional Manager of the Rajkot Region having been authorised by the Chief Executive of the Bank vide its order dated 07.12.1981 acted as Disciplinary Authority in the matter. Likewise the appellant authority was also authorised by the Chief Executive of the Bank to act as Appellate Authority. Both these authorities might be junior to the appointing authority but since they have been authorised by the Chief Executive of the Bank to initiate action against the appellant workman as Disciplinary Authority and Appellate Authority, therefore, their actions cannot be questioned. It is noteworthy that the Clause 19.14 of the Bi-partite Settlement contains the provisions to the fact that the Chief Executive Officer of the Bank will have the powers to decide and name the Disciplinary Authority as well as the Appellate Authority. It is admitted that the service conditions of the Bank's employees were governed by the Bi-partite Settlement dated 19.10.1966 and whatever action was taken against the workman was in consonance with the aforesaid Bi-partite Settlement. As the criminal prosecution lodged by the Police had been taking much more time, therefore, the Bank lodged the complaint in the Police Station on 02.06.1986 through a private person as said above. The Police investigated the complaint and filed the charge-sheet in the Court.
 6. It is further submitted that as criminal trial had been pending in the Court since last 9 years, therefore, in the interest of the workman, the Bank initiated departmental proceedings to give opportunity to the workman to prove himself as innocent in consonance with the provisions of the Bi-partite Settlement as well as in the light of various pronouncement of the High Court and Apex Court.
 7. It is further submitted that as per the Bi-partite Settlement, the workman was given the opportunity to defend himself through a Trade Union of Bank's employees of whom he was a member; therefore, it is wrong to say that he was not given opportunity to defend himself. It is further submitted that he was given a typist to type the day to day enquiry proceedings. All the documents were provided to the workman to inspect. He was also given the copies of the statements of the witnesses examined during the departmental proceedings. The departmental enquiry was conducted in just and fair manner without violating the provisions of natural justice. After the conclusion of the departmental enquiry, he was awarded punishment for which he made appeal and same was rejected.
 8. The first party Bank of India vide Ex. 12 submitted all the documents detailed as below:

S. No.	Name of document	Date	Type
1	Criminal Misc. Application No. 337/84 under Section 438 of Cr.PC filed by Shri Mahendrakumar Mahasukhrao Vadia before the Hon'ble Session Court, Junagadh	23.11.1984	Xerox
2	Judgement passed by the Hon'ble Session Judge, Junagadh in Cri. Misc. Appln. No. 337/84	11.12.1984	Xerox
3	Criminal Complaint under Section 468, 471, 477-A, 420 filed by the Branch Manager, Porbandar Branch of Bank of India before the Police	02.06.1986	Xerox

	Station 'A' Division, Porbandar		
4	F.I.R. No. I-121/86 lodged before the 'A' Division Police Station, Porbandar	02.06.1986	Xerox
5	Charge-sheet-cum-Suspension Order	19.06.1986	Xerox
6	Letter written by M/s Amber Infotech Pvt. Ltd., Junagadh to Zonal Manager, Bank of India, Ahmedabad	16.12.1996	Xerox
7	Findings of Enquiry Officer in the Departmental Enquiry proceedings against Shri M.M. Vadia	20.05.1997	Xerox
8	Order passed by Hon'ble Labour Court, Junagadh in IESO Appl. No. 47/97	20.04.1999	Xerox
9	Free English translation of Order passed by the Labour Court, Junagadh in IESO Application No. 47/97	20.04.1999	Xerox
10	Show cause notice issued by Disciplinary Authority to Shri M.M. Vadia	03.05.1999	Xerox
11	Written submission against proposed punishment given by Shri M.M. Vadia to Disciplinary Authority	31.05.1999	Xerox
12	Proceeding of the personal hearing given to Shri M.M. Vadia	31.05.1999	Xerox
13	Order of punishment issued by Disciplinary Authority to Shri M.M. Vadia	05.08.1999	Xerox
14	Appellate Order issued by Appellate Authority to Shri M.M. Vadia	02.12.1999	Xerox
15	Applicant for Review Modification filed by the Bank before the Hon'ble High Court in CRA No. 1835 of 1996	17.07.1997	Xerox
16	Oral Order passed by the Hon'ble High Court in Misc. Civil Application No. 1383 of 1997	16.11.1998	Xerox
17	Free English Translation of Order passed by the Labour Court, Junagadh in IESO Application No. 49/1997	20.04.1999	Xerox

9. The second party workman submitted the documents vide list Ex. 26 as detailed herein below:

S. No.	Details of Document	Date	Remarks
1	Representation made by the workman to the organisation for reconsideration of his case after acquittal in criminal trial	26.09.2012	Xerox Copy
2	RTI application made by the workman to the organisation seeking copies of correspondence in connection with his representation dated 26.09.2012	21.12.2013	Xerox Copy
3	Reply of RTI Application given by organisation to the workman	14.12.2015	Xerox Copy
4	Letter written by Zonal Manager, Rajkot Zone to General Manager, Head Office, IL Division of the organisation	17.10.2012	Xerox Copy
5	Reply given by Deputy General Manager (IL) of the organisation to Zonal Manager, Rajkot on the point of workman's representation	22.10.2012	Xerox Copy
6	Copy of Bi-partite Settlement on "Disciplinary Action and Procedure therefore" provided by the first party Bank	10.04.2002	Xerox Copy

10. Before addressing the issues, it would be appropriate to point out that the workman challenged the legality of the enquiry and in support of the challenging the legality of enquiry, the workman submitted his affidavit Ex. 14 stating that FIR registered into the crime was investigated in the year 1987 but he was kept under suspension for a long period and despite his request and the Government guidelines that the suspension order should not be extended for a long period, his suspension order was not removed. He has further alleged that despite the provisions in the Bi-partite Settlement, departmental enquiry was ordered appointing S.N. Kundalia as Enquiry Officer. He approached the Civil Court, Junagadh for seeking injunction order against the departmental enquiry being held against the rules and settled principles of law by filing a Civil Suit Number 184/1996 but the Civil Court refused to grant the injunction. The appeal against the said order was also dismissed by the appellate court on the ground of Civil Court having no jurisdiction in service matters. The first party continued with the departmental enquiry and concluded within a month with a mala-fide and bias attitude of the Enquiry Officer S.N. Kundalia as the Enquiry Officer refused to grant him adjournment despite a request that he has to file appeal in the High Court against the orders passed by the Civil Court and its appellate Court. Due to the said conduct of Enquiry Officer, he suffered attacks of Hypertension as well as depression. He also submitted the medical certificates to this effect but to no result. Thus Mr. Kundalia acted in two capacities of prosecutor as well as a Judge in the enquiry which is against the principles of natural justice. He also alleged that the High Court passed an interim order that no final order in pursuance of the departmental enquiry be passed till the criminal trial is over that to no result. Thus the departmental enquiry as well as the punishment and rejection of appeal were held in violation of the principles of natural justice.
11. The Bank's management submitted his reply to the aforesaid application denying all the averments made in the application. After hearing both the parties, the then Presiding Officer, Shri Binay Kumar Sinha passed an order on 13.03.2013 holding that the departmental enquiry was conducted in a legal manner and there was no legal

infirmary in the departmental enquiry and the punishment awarded therein. The operating part of the order is reproduced as under:

“Point No. i and ii: 7. I have gone through the entire documentary evidence filed by both sides and also the oral affidavit of evidence of the second party including admission made by him during cross-examination. I find, no prejudice has been cost to him during the whole span of enquiry, rather the delinquent himself has prolonged the span of enquiry to such a long period by approaching the Civil Court, Labour Court as well as the High Court and lastly as per the High Court’s order, enquiry, kept in abeyance, was recommended and concluded observing principles of natural justice. The delinquent all alone participate in the enquiry to the point no. 1 and 2 regarding following the principle of natural justice and given sufficient opportunity to defend, are decided in affirmative.

Point No. iii: I have gone through the report of the Enquiry Officer and findings given by him. He has meticulously examined all the materials produced before him and the evidences of witnesses. I do not find any perversity in the findings of the Enquiry Officer dated 02.05.1997 so the point regarding the illegality of the enquiry is decided in negative.

Point No. iv: As per the findings of the Point No. i, ii and iii, I find and hold that a valid and proper departmental enquiry was conducted against the delinquent second party workman. Thus the preliminary issues as above are decided in the favour of the first party Bank of India.

12. The second party workman did not prefer to challenge the aforesaid order on the point of legality of enquiry in any higher forum including Hon’ble High Court, therefore, this Tribunal has a limited scope into the matter to the extent as to whether the punishment awarded by the first party management was excessive to the misconduct committed by the second party workman or not.
13. On the basis of the pleadings, the following issues arise:
 - i. Whether the action of the Chief Regional Manager, Bank of India, Rajkot Region in giving punishment of “Dismissal from service” to Shri Mehendra Kumar M. Vadia vide order dated 05.10.1999 is legal and justified?
 - ii. To what relief, if any, the concerned workman is entitled?
14. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workman who submitted his affidavits Ex. 15 and 19 reiterating the averments made in the statement of claim and in his cross-examination, he has not said anything contrary to his examination-in-chief but has admitted that the criminal trial could not be concluded within a year and despite his request and approaching the Civil Court and High Court, the departmental proceedings were not stayed but these affidavits were filed at the stage of deciding as to whether finding of departmental enquiry was unjust and unfair. But regarding issues no. i and ii, as to whether the punishment awarded was excessive and disproportionate to the misconduct and the punishment awarding authority and appellate authority were incompetent under Rules no evidence has been adduced at this stage.
15. The second party workman submitted the written arguments Ex. 30 and the first party submitted the written arguments vide Ex. 33.
16. The second party in his written argument has challenged the punishment on the ground that the provisions of Bi-partite settlement were not followed in awarding the punishment as well as in holding the departmental enquiry and despite his acquittal in the criminal trial; he was awarded the punishment of dismissal from service. He has referred following judgements of the High Court’s as well as the Supreme Court which are reproduced as under:
 - a. The second party workman has argued upon the judgement of Hon’ble Supreme Court of India, in case of Mavji C. Lakum V/s Central Bank of India, Appeal (Civil) 2385, 2008, held in Para 20 that: “Even if the enquiry is found to be fair, that would not be only a finding certifying that all possible opportunities were given to the delinquent and the principles of natural justice and fair play were observed. That does not mean that the findings arrived at were essentially the correct findings. If the Industrial Tribunal comes to the conclusion that the findings could not be supported on the basis of the evidence given or further comes to the conclusion that the punishment given is shockingly disproportionate, the Industrial Tribunal would still be justified in re-appreciating the evidence and/or interfering with the quantum of punishment.”
 - b. The second party workman further argued upon the judgement of Hon’ble Supreme Court in case of Capt. M. Paul Antony V/s Bharat Gold Mines Ltd., (1999) 3 SCC 679, in which the Hon’ble Supreme Court has observed that: “The criminal case as also the departmental proceedings were based on identical set of facts, namely, ‘the raid conducted at the appellant’s residence and recovery of incriminating articles there from.’ The findings recorded by the enquiry officer, indicates that the charges framed against the appellant were sought to be proved by Police Officers and Panch Witnesses, who had raided the house of the appellant and had affected recovery. They were the only witnesses examined by the enquiry officer and the inquiry officer, relying upon their statements, came to the conclusion that the charges were examined in the criminal case but the court, on a consideration of the entire evidence, came to the conclusion that no search was conducted nor was any recovery made from.

Since the facts and the evidences in both the cases were the same without there being any iota of difference, the distinction, which is usually drawn as between the departmental proceedings and the criminal case on the basis of approach and burden of proof, would not be applicable to the instant case.”

- c. The second party further argued upon the judgement of G.M. Tank V/s State of Gujarat, 2006 (5) SCC 446 wherein the Supreme Court has observed as under: “In our opinion, such facts and evidence in the departmental and criminal proceedings were the same without there being any iota of difference, the appellant should succeed. The distinction which is usually proved between the departmental and criminal proceedings on the basis of the approach and burden of proof would not be applicable in the instant case. Though finding recorded in the domestic enquiry was found to be valid by the Courts below, when there was an honourable acquittal of the employee during the pendency of the proceedings challenging the dismissal, the same requires to be taken note of and the decision in Paul Anthony’s case (supra) will apply. We, therefore, hold that the appeal filed by the appellant deserves to be allowed.”
- d. The second party further argued on the judgement of the Hon’ble High Court of Gujarat in the case of H.H. Saijani V/s Syndicate Bank, 1980 GLR Page 657 wherein it has observed that a close scrutiny of provisions of Clause 19.3 (a)(b)(c) of Bi-partite settlement reveals that when an employee is suspended of having committed criminal offense, which would render him liable to conviction and sentence under the criminal law, the management cannot initiate departmental or disciplinary proceedings straightway. The Bank management has to take steps to itself prosecute him or get him prosecuted. Having done so the Criminal Law must be allowed to take its own course and the management must stay its hands till the final outcome of the criminal case. If the prosecution results in a conviction, recourse is to be made to sub-clause (b). If it results in acquittal, recourse is to be made to sub-clause (c) of Clause 19.3. Until the criminal court records a finding of guilt or otherwise nothing can be done under clause 19. No steps can be initiated till the completion of the criminal case which may result either in a conviction or in an acquittal having regard to the scheme of clause 19.
- e. In the same way, Hon’ble Madras High Court, in the case of P. Manickam V/s Bank of India, W.P. No. 16175/2009 decided on 10.02.2010, referred to Clause 4 of the Bi-partite settlement and held as under: “17. Therefore, considering the totality of the facts and circumstances of the present case and in view of the embargo under Clause 4 of the Bi-partite settlement, I am of the firm view that this is a fit case in which the departmental proceedings have to be deferred till the conclusion of the criminal trial in C.C. No. 33/2001.” “18. In the result, the writ petition is allowed as prayed for.”
- f. The difference between the terms “Dismissal and Discharge” was clarified by Patna High Court in the case of Calcutta Chemical Co. Ltd. V/s D.K. Barman, AIR 1969 Pat. Page 371 holding that the word ‘dismissal’ in relation to service and the expressions ‘termination of the contract of employment’ have got clear and definite concept. The word ‘discharge’, however, is found used sometimes in the statute and sometimes in the decisions of the court in different colour and context. Sometimes it is used in the sense of dismissal; sometimes it is used in the sense of discharge from service, which is dismissal from service but entitling the discharged employee to some amenities or benefits arising out of service; and sometimes it is also used in the sense of pure termination of contract of employment.
- g. Madras High Court in case of Dy. Inspector General of Police and Anr. V/s S. Samuthiram, Civil Appeal 8513/2012, has observed as under: “23. As we have already indicated, in the absence of any provision in the service rule for reinstatement, if an employee is honourably acquitted by the Criminal Court, no right is conferred on the employee to claim any benefit including reinstatement. Reason is that the standard of proof required for holding a person guilty by a Criminal Court and the enquiry conducted by way of disciplinary proceeding is entirely different. In a criminal case, the onus of establishing the guilt of the accused is on the prosecution and if it fails to establish the guilt beyond reasonable doubt, the accused is assumed to be innocent. It is settled law that the strict burden of proof required to establish guilt in a Criminal Court is not required in a disciplinary proceedings and preponderance of probabilities is sufficient. There may be cases where a person is acquitted for technical reasons or the prosecution giving up other witnesses since few of the other witnesses turned hostile etc. In the case on hand, the prosecution did not take steps to examine many of the crucial witnesses on the ground that the complainant and his wife turned hostile. The Court, therefore, acquitted the accused giving the benefit of doubt. We are not prepared to say in the instant case, the respondent was honourably acquitted by the Criminal Court and even if it is so, he is not entitled to claim reinstatement since the Tamil Nadu Service Rules do not provide so.”
- h. In the case of Bank of India V/s Bhimsen Gochhayat, 2009 (4) LLJ 663 SC, the Supreme Court has held that the departmental enquiry against Shri Bhimsen initiated by the disciplinary authority after his acquittal on appeal is not bad in law. In that case, the employee was dismissed on conviction and on his acquittal on appeal, he was reinstated and departmental enquiry was initiated. This clearly shows that though there is no bar against departmental enquiry after acquittal, the same cannot be concluded pending criminal trial, and on acquittal, even by appellant court, the employee is entitled to reinstate.

- i. In the case of Sushila Tiwari V/s Allahabad Bank (Civil Appeal No. 5224 of 2012), the Supreme Court held as under: “If clause 19.3 (d) is read along with notice dated 02.07.2001, it is clear that Shri Tiwari stood reinstated w.e.f. 21.07.1999 i.e. the date on which he was originally dismissed from service and deemed to be continuing under suspension since then.”

In that judgement, in Para 12, after reproducing Clause 19.3 (b)(c)(d) of the Bi-partite settlement, the Hon’ble Supreme Court held in Para 13 that the above reproduced provisions represent the intention of the Bank and Union to determine as to what steps the disciplinary authority requires to take in case an employee who is accused in a criminal case is acquitted during the trial or such employee after conviction is subsequently acquitted in an appeal or revision. Clause 19.3 (c) applies to cases where the employee is acquitted during the trial. On the other hand, Clause 19.3 (d) applies to the cases where the convicted employee prefers an appeal or revision application against his conviction and is acquitted. Under Clause 19.3 (d), if an employee applies to the management is required to review his case and may either reinstate him or proceed against him under the provisions set in Clause 19.11 and 19.12 relating to discharge, the period up-to-date for which full pay and allowances have not been paid being treated as one of suspension. In the event of management deciding, after enquiry, not to continue in service, the employee shall be liable only for termination with three months’ pay and allowances in lieu of notice.”

- j. In the case of Roop Singh Negi V/s Punjab National Bank, 2009 (2) SCC 570, the Supreme Court held as under: “The orders of the disciplinary authority as also the appellat authority are not supported by any reason. As the orders passed by hem have severe civil consequences, appropriate reasons should have been assigned. If the enquiry officer had relied upon the confession made by the appellat, there was no reason as to why the order of discharge passed by the Criminal Court on the basis of self-same evidence should not have been taken into consideration. The materials brought on record pointing out that the guilt are requiring to be proved. A decision must be arrived at on some evidence, which is legally admissible. The provisions of the Evidence Act may not be applicable in a departmental proceeding but the principles of natural justice are. As the report of the enquiry officer was based on merely ipse dixit as also surmises and conjectures, the same could not have been sustained. The inferences drawn by the enquiry officer apparently were not supported by any evidence. Suspicion, as is well known, however high may be, can under no circumstances be held to be a substitute for legal proof. For the aforementioned reasons, the judgement of the High Court is set aside. The appeal is allowed with costs and appellat is directed to be reinstated with full back wages. Counsel’s fee assessed at Rs.25000/-.”
- k. In the same way, in the case of Rajpal V/s State of Haryana, CWP No. 16661 of 2010, the Punjab and Haryana High Court has held that when delinquent is acquitted even in appeal against his conviction, his representation for reinstatement is to be considered positively by the employer.
- l. The Hon’ble Calcutta High Court in the case of Sudhir Ranjan Halder V/s State of West Bengal and Anr., AIR 1961 Cal. Page 626, has observed as under: “19. We have already referred to the language of the charge of which the appellat was called upon to show cause. The charge merely said that inasmuch as the Police has recovered certain ration cards and cloth folders from the appellat’s possession and started a criminal case against him, he must show-cause why he shall not be dismissed from the service of the Government. This was no charge at all and this is all the more so because the plaintiff was acquitted in the criminal trial. Mere prosecution is not conviction and the pendency of a criminal prosecution is no proof of the guilt of an accused. To call upon a man to show-cause why he should not be dismissed from Government service because of the pendency of a criminal prosecution against him is only to make a non-sense of a charge of misconduct.

Finally after discussing various lacunas in the enquiry and legality of notice under Section 80 of CPC, it was held that for the reasons aforesaid, we allow this appeal. The plaintiff shall be entitled to a declaration that the order of his dismissal from service from 05.11.1947 was void and inoperative. The plaintiff must be treated as a person who has not been dismissed from Government service and entitled to his pay and allowances according to the scale of pay in which he was serving. We also pass a decree in terms of prayer (d) of the plaint, subject to the reservation that if the plaintiff has in the meantime reached the age of superannuation, he will not be entitled to pay and allowance beyond that date. The matter must go back to the trial court for calculation of the amount as in the aforesaid prayer but subject to the reservation herein stated and for passing of a decree for the amount found due.

- m. In the case of Jasbir Singh V/s Punjab and Sind Bank and Ors, Civil Appeal 8046 of 2004, the Hon’ble Supreme Court has held as under: “The judgements of both the Civil Court and the Criminal Court established that the appellat was treated very unfairly and unreasonably. For all intent and purport, a criminal case was foisted upon him. A confession, according to learned Chief Judicial Magistrate, was extracted from him by the bank officers in a very cruel manner. It is, therefore, not a case where back wages should be denied. Respondent Bank has tried to proceed against the appellat in a civil proceeding as well as in criminal proceedings and at both the independent forums, it failed.

We, therefore, are of the view that the impugned orders and judgements cannot be sustained. They are set aside accordingly. The appeal is allowed. The appellat is directed to be reinstated with back wages,

continuity of service and other consequential benefits. The respondent shall also pay and bear the costs of the appellant which is quantified Rs.10000/-.

- n. Again Hon'ble Supreme Court in the case of The Managing Director, State Bank V/s P. Kata Rao [Appeal (civil)2961-2962 of 2008] has observed as under: "Here the Court is not interfering with the punishment awarded by the employer on the ground that in the opinion of the Court the punishment awarded is disproportionate to the gravity of the misconduct. Here, the gradation of the punishments have been fixed by the rules themselves, namely, the rules of Bank of Cochin and the Court is merely insisting that the authority is confined to the limits of its discretion as restricted by the rules. Inasmuch as the rules of Bank of Cochin have enumerated and listed out the punishments for "major misconduct", we are of the view that the punishment of "removal" could not have been imposed by the appellate authority and all that was permissible for the Bank was to confine itself to one or the other punishment for major misconduct enumerated in Para 22(v) of the rules, other than dismissal without notice. This conclusion of ours also requires the setting aside of the punishment of "removal" that was awarded by the appellate authority. Now the other punishments enumerated under Para 22(v) are "warning or censure or adverse remark being entered, or fine, or stoppage of increments/reduction of basic pay or to condone the misconduct and merely discharge from service."
 - o. The Supreme Court in Apparel Export Promotion Council V/s A.K. Chopra has observed as under: "Even insofar as imposition of penalty or punishment is concerned, unless the punishment or penalty imposed by the disciplinary or the Departmental Appellate Authority, is either impermissible or such that it shocks the conscience of the High Court, it should not normally substitute its own opinion and impose some other punishment or penalty."
17. The first party submitted his arguments that the provisions of Bi-partite settlement were followed in holding the enquiry as well as in awarding the punishment. He has also referred following judgements of the High Court's as well as the Supreme Court which are reproduced as under:
- a. The Bank relies upon the judgment of the Hon'ble Punjab and Hariyana High Court, reported in 2018 (1) LLR 595, in the case of Mohankumar Vs. Chief Manager (HRD) Central Bank of India. The Hon'ble High Court has specifically dealt with the point as both the authorities are separate and therefore, the simultaneous proceedings are permitted. It was further held that, the verdict of the Hon'ble Criminal Court is not binding or likely to be affected to the inquiry conducted against the workman. The burden of proof for the both the authorities are quite different and therefore, also the judgment of the Criminal Court will not be having binding effect to the inquiry, concluded long back. It is pertinent to note that, the judgment of the Criminal Court was on 07.09.2012, which was produced before the Authority on 22.09.2012 by the second party, in Criminal Case No. 396/2007, the Hon'ble JMFC has vide Ex. 755 has specifically concluded in Para 26 – that, the acquittal is on circumstantial evidence, as the complainant fails to prove the authentic expert opinion and therefore, the benefit was given on that point. The Bank begs to submit that, due to failure of the required procedure, there was acquittal of second party, which will not help him. In pursuance to the averments of Para 3(G), of the submission, the Bank begs to submit that, all the submissions are twisted by the second party. For the consideration of representation, the word not used as 'must', but the word is used 'may', and therefore, all the averments and statements made in this Para are not going to help him. It is further submitted that, there is no clear provisions of automatic reinstatement of the second party on the basis of Criminal Acquittal. It is wrong to say that, when the dismissal order passed on the previous date and when the employee is acquitted in criminal trial, the order cannot stand, and the management has to review it and workman has to be reinstated – this statement is ridiculous without any legal base and therefore, liable to be rejected. In connection of the submission of Para 3 (I), it is required by the Bank that, the authority has already put the second party on Criminal Trial within prescribed period and therefore, there is not breach as alleged or otherwise. It is wrong interpretation that, the charges and outcome of both the authorities are same, in fact both the authorities has dealt the issues, in different manner, as they are empowered for it and outcome of both the authorities are also came on different period. The Bank begs to submit that, if any employee, who is acquitted after Criminal procedure is to be reinstated then, there will be an administrative hierarchy, in convenience and likely to be badly affect discipline of any institution. It will be encouragement to the employees to commit, such type of misconduct. It is further submitted that, as the serious misconduct committed by the second party, the departmental proceedings commenced by the Bank, in accordance with the rules and regulations and after that, the order was passed, the Bank has followed the required procedure. It is clarified that, the judgment cited by the second party on support of his contention is not applicable to the case of the second party.
 - b. In the case of Dy. Corn. Kendriya Vidhalaya vs. J Husain — reported 2013 (2) SCC — L & S Page No. 833, the Hon'ble Supreme Court was dealing with the issue of proportionate punishment and after discussing all the relevant issues, it was ultimately held that, any sympathy shown in the ground of disproportionate punishment is allowing person to continue the same offence in future. The Bank begs to submit that, the employee, who is not trustworthy to the bank, after committing the misconduct of financial irregularity may not be thrown to the public institution like a Bank dealing with the money of his respected customers, which protect the interest of their future lives. The money of the account holder lies with the bank are matters for the account holders and even awarding compensation

in lieu of the reinstatement will amount to misuse of their earned money. In these circumstances, it is requested that, the relief prayed for is not worth to be granted and the same deserves to be rejected. On the demand of second party to exercise the power under Section 11(A) of the ID Act, the Bank begs to submit that, the Hon'ble Tribunal is to enjoy the powers in very rare case and with restricted manner, if it is only, because in the opinion of the Hon'ble Tribunal, for the shocking or disproportionate punishment, the same will not be liable to alter or to substitute. It is settled principles of law, mentioning in which cases and when the Tribunal empowered under the provisions is required to be used.

c. The Bank craves to rely upon the following judgment:

In the case of Divisional Controller Gujarat State Road Transport Corporation Palanpur V/s Pathan Idrishmiya Bhikhumia & Ors. — reported in 2014 (III) CLR 426 — relevant portion on page 427 as 'Point to be noted'. "It was held that every quasi-judicial authority or even the administrative authority, when invested some discretionary power has to be careful in the judicious exercise of such power, and it should not led away by being lenient or sympathetic to the person committing serious type of misconducts."

18. The second party workman has also referred the judgement of the Patna High Court Latters Patent Appeal No. 1845/2012, Mahadev Mehtav V/s The Chief Regional Manager, Bank of India wherein it was held that the petitioner workman was acquitted of the criminal charges by the Sessions Court and the Bank in that case removed the suspension order. He has further referred a judgement in Civil Appeal No. 2385/2008, Mavji C. Lakul V/s Central Bank of India decided on 02.04.2008 wherein the apex court confirmed the order of the Tribunal wherein the Tribunal set aside the punishment of discharge and also the other punishments and restricted the punishment to stoppage of one year's increment. He has further referred the judgement of Gujarat High Court in Special Civil Application No. 1974/1988 decided on 07.07.2000, Dalsukhbhai Kesavlal V/s National Institute of Design wherein the High Court has held that the Bi-partite Settlement under Section 2 (p) read with Section 18 of the Act if being registered shall have a statutory cause and binding on the parties. He has further referred Supreme Court judgement in Bank of India V/s O.P. Sawarnkar in Civil Appeal No. 854/2002 decided on 17.12.2002 wherein the apex court has held, "The employees of the nationalized Bank may not enjoy a 'status' as is the case of government employees or the statutory authorities whose terms and conditions of service are governed by the constitutional provisions and/or the statutes and the statutory rules; but there is no gain saying that the employees of the Nationalized Bank enjoy security of their employment. As far as the employees of the State Bank of India are concerned their terms and conditions of service, as noticed hereinbefore, are governed by statutory rules. However, so far as the employees of the nationalized Banks are concerned except for the matter of grant of pension which is covered by the regulations banks are concerned except for the matter of grant of pension which is covered by the regulations framed in terms of Section 19 of the 1970 Act, other terms and conditions of their service are not statutory in nature. But the State Bank of India as also the nationalized Banks is 'States' within the meaning of Article 12 of the Constitution of India. The services of the workman are also governed by several standing orders and Bi-partite Settlement which have the force of law. The Banks, therefore, cannot take recourse to 'hire and fire' for the purpose of terminating the services of the employees. The Banks are required to act fairly and strictly in terms of the norms laid down therefore. Their actions in this behalf must satisfy the test of Articles 14 and 21 of the Constitution of India. He has further referred the judgement of Supreme Court in Captain M Paul Anthony V/s Bharat Gold Mines Ltd. decided on 30.03.1999 wherein it has been alleged that there is yet another reason for discarding the whole of the case of the respondents. As pointed out earlier, the criminal case as also the departmental proceedings were based on identical set of facts, namely, 'the raid conducted at the appellant's residence and recovery of incriminating articles thereof.' The findings recorded by the Inquiry Officer, a copy of which has been placed before us, indicate that the charges framed against the appellant were sought to be proved by Police Officers and Panch witnesses, who had raided the house of the appellant and had affected recovery. They were the only witnesses examined by the Inquiry Officer and the Inquiry Officer, relying upon their statements, came to the conclusion that the charges were established against the appellant. The same witnesses were examined in the criminal case but the court, on a consideration of the entire evidence, came to the conclusion that no search was conducted nor was any recovery made from the residence of the appellant. The whole case of the prosecution was thrown out and the appellant was acquitted. In this situation, therefore, where the appellant is acquitted by a judicial pronouncement with the finding that the "raid and recovery" at the residence of the appellant were not proved, it would be unjust, unfair and rather oppressive to allow the findings recorded at the ex-parte departmental proceedings, to stand. Since the facts and the evidence in both the proceedings, namely, the departmental proceedings and the criminal case were the same without there being any iota of difference, the distinction, which is usually drawn as between the departmental proceedings and the criminal case on the basis of approach and burden of proof, would not be applicable to the instant case. Similar view has been taken in G.M. Tank V/s State of Gujarat, Civil Appeal No. 2582/2006 by the Gujarat High Court.
19. I considered the evidence oral and documentary of both the parties and the judgements as above referred by the parties.
20. It is noteworthy that this Tribunal has limited scope in the matter as the second party workman challenged the legality and validity of the departmental enquiry which was decided by the Tribunal as discussed above against the workman and the departmental enquiry was held legal. Therefore, this Tribunal is only to decide as to

whether the punishment awarded by the first party Bank of India was proportionate to the misconduct. The workman has also challenged the punishment awarded on the ground that the punishment was awarded by an Officer subordinate to the appointing authority but the workman has not filed any document as to who the Officer appointed him or who was his appointing authority. As the punishment was confirmed by the Chief Executive Officer by contesting the reference, therefore, the question of awarding punishment by the lower authority cannot be said to be illegal, however it can be said to be an irregularity and irregularity will not vitiate the action.

21. The workman has also questioned the departmental enquiry on the ground that as per the terms of Bi-partite settlement, departmental enquiry cannot be initiated till the conclusion of the Criminal Trial. This argument has no force because the departmental enquiry was initiated after a lapse of several years of criminal trial and which was permitted under the Bi-partite settlement. Moreover, he himself has not challenged the finding of the Tribunal regarding legality of enquiry in any higher forum; therefore, he cannot re-agitate the matter.
22. As appears from the record, the workman since his termination has also been working as advocate registered with the Bar Council of India.
23. The workman has argued that he was acquitted by the Criminal Court for the charges levelled against him but the judgement of the Trial Court reveals that he was acquitted for want of evidence as the witnesses became hostile. It is a settled law that the departmental enquiry can go side by side with the Criminal Trial, therefore, holding him guilty in the departmental enquiry, he cannot take the plea that he was innocent.
24. The workman was not only held guilty in the present matter but was also found to be involved in number of cases of misappropriation of money in the Bank, therefore, the punishment of dismissal cannot be said to be excessive or disproportionate to the misconduct committed by him. Thus the Issue No. i is decided in affirmative and against the second party workman Mahendra Kumar M. Vadia. As regards Issue No. ii, no relief can be granted in the light of the aforesaid discussions.
25. The award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 125.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन से संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय नं. 2, मुंबई के पंचाट (संदर्भ संख्या 59/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुआ था।

[सं. एल-12011/31/2011-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 125.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 59/2011) of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Mumbai as shown in the Annexure, in the Industrial dispute between the management of Bank of Maharashtra, and their workmen, received by the Central Government on 07.01.2019.

[No. L-12011/31/2011-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI

PRESENT : M. V. Deshpande, Presiding Officer

REFERENCE NO.CGIT-2/59 of 2011

EMPLOYERS IN RELATION TO THE MANAGEMENT OF BANK OF MAHARASHTRA

The General Manager,
Bank of Maharashtra, Mumbai Regional Office,
Janmangal Building, 45/47,
Mumbai Samachar Marg, Fort,
Mumbai – 400 001.

**AND
THEIR WORKMEN**

The President,
Maha Bank Navnirman Sena,
C/o. Shri Umakant Kotnis, Yeshoda Co-op.
Housing Society, Ranade Road, Extension,
Dadar, Mumbai – 400 028.

APPEARANCES:

FOR THE EMPLOYER : Mr. M. B. Anchan Advocate

FOR THE WORKMEN : Shri J. H. Sawant Advocate

Mumbai, dated the 15th November, 2018

AWARD

1. This is reference made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 vide Government of India, Ministry of Labour & Employment, New Delhi vide its order No. L-12011/3/2011 – IR (B-II) dated 08.11.2011. The terms of reference given in the schedule are as follows :

“Whether the demand of MAHA Bank Navnirman Sena, Mumbai for regularization of the services of Shri Prashant B. Kadam, Anant S. Bhalekar, Sunil B. Adsul, Anand P. Waghmare, Dilip B. Chache, Mahendra K. Ghule, Mahesh K. Chavan and Vaibhav A. Patekar, Part Time Sweepers in the Branches of Bank of Maharashtra, Mumbai Region is legal, just and proper ? What relief the concerned workmen are entitled to ?”

2. After the receipt of the reference, both the parties were served with the notices.

3. Second party workman has filed application to dispose of the reference for want of prosecution. It is contended that the industrial dispute covered in the reference has been settled and it does not survive since the workman has given employment in the direct service of the first party.

4. Other side has also no objection for withdrawing the reference.

5. Hence in view of withdrawal pursis the reference is withdrawn and hence disposed off.

ORDER

Reference is withdrawn and hence disposed off.

Date : 15.11.2018

M.V. DESHPANDE, Presiding Officer

नई दिल्ली, 7 जनवरी, 2019

का.आ. 126.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन से संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण / श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ संख्या 142/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.01.2019 को प्राप्त हुआ था।

[सं. एल-12012/11/2006-आईआर (बी-II)]

रवि कुमार, अनुभाग अधिकारी

New Delhi, the 7th January, 2019

S.O. 126.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 142/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial dispute between the management of Bank of Baroda, and their workmen, received by the Central Government on 07.01.2019.

[No. L-12012/11/2006-IR (B-II)]

RAVI KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present: Pramod Kumar Chaturvedi, Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 13th December, 2018

Reference: (CGITA) No- 142/2006

The General Manager,
Bank of Baroda,
Buraj Plaza – 2, Bayaji Gunj,
Baroda (Gujarat)

... First Party

V/s

Shri Shaileshkumar Gandhi,
Old Post Office, Kacchi Road, Kalol,
Panchmahal (Gujarat)

... Second Party

For the First Party : Shri V.K. Mashar
For the Second Party : Shri Nawnit Taneja

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/11/2006–IR(B-II) dated 29.06.2006 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of Baroda by retrenching the services of Shri S.K. Gandhi without following the procedure of provisions of Section 25 F and 25 G of the Industrial Disputes Act, 1947 is legal and justified? If not, what relief the workman is entitled to and to what extent?”

1. The reference dates back to 29.06.2006 and received on 10.07.2006 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. In response to the notice issued to the parties, the second party workman Shaileshkumar Gandhi submitted the statement of claim Ex. 6 alleging that he was engaged as casual labour (sweeper) on pro-rata basis in the Bank of Baroda in Kalol Branch on 01.08.1988 where he worked for 15 years till 20.02.2002 when the Regional Manager, Bank of Baroda, Godhra orally terminated his service without issuing any notice or without giving opportunity of an alternative job as the aforesaid Kalol Branch of Bank of Baroda was ordered to be closed. The Regional Manager, Bank of Baroda, Godhra issued a letter to the Branch Manager, Bank of Baroda, Kalol Branch directing him to pay 1/3rd salary on pro-rata basis at the rate of Rs.375/- to Rs.1250/- per month vide letter no. CGZ:PR:STF:8:52 dated 23.04.1991 while appointing him as a casual worker (sweeper). The copy of the letter is enclosed with the statement of claim Ex. 6. Though he was orally assured to be absorbed as a regular employee against a future vacancy. He was paid 1/3rd salary on pro-rata basis at the rate of Rs.375/- to Rs.1250/- per month during the aforesaid period. He has further alleged that in the light of judgements of Supreme Court in *Surender Singh V/s Engineer in Chief, C.P.W.D., Dhirendra Chamoli V/s State of U.P., 1986 (1) SC C 637*, his oral termination was violative of Article 14 and 16 of the Constitution of India as well as violative of provisions of Industrial Disputes Act. Therefore, he has prayed for a declaration to the fact that the second party workman be declared as continued employee since 20.02.2002 and be also ordered to be regularised in the service along with any other relief as the Tribunal deems so.
3. The first party Bank of Baroda submitted the written statement Ex. 8 admitting the fact that the second party workman was engaged as part time sweeper on pro-rata basis who also worked from 01.08.1988 to 20.02.2002 and denied all other averments made in the statement of claim Ex.6. The first party further submitted that the apex court in the judgement of Civil Appeal No. 1968/2006 arising out of SLP(C) No. 9103-9105/2001, Secretary State of Karnataka V/s Umadevi, has observed as under: “The apex Court had made it clear that regularization cannot be claimed as a matter of right. In this case while deliberating upon the issue of regularisation and absorption of casual/temporary/daily wagers, the apex Court has held that, States have made Acts, Rules or Regulations for implementing the various constitutional guarantees and any recruitment to the service in the state or in the Union is governed by such acts, rules or regulations. The Constitution does not envisages any employment outside this constitutional scheme and without following the requirement said down therein and there cannot be much difficulty in coming to the conclusion that it is ordinarily not proper for courts to direct absorption in permanent employment who had been engaged without following due process of selection as envisaged by the constitutional scheme. The Hon’ble Supreme Court further held that merely because a temporary employee or a casual wage worker is continued for a time beyond the terms of his

appointment, he would not be entitled to be absorbed in regular service or made permanent, merely on strength of such continuance, if the original appointment was not made by following a due process of selection as envisaged by the relevant rules. Therefore, there is no fundamental right in those who have been employed on daily wages or temporarily or on contractual basis to claim that they have right to be absorbed in service.”

The first party has also submitted that he was simply as casual labour (sweeper) on pro-rata basis being engaged by the Branch Manager/Regional Manager who have no powers to appoint any sweeper as daily wagger and the letter no. CGZ:PR:STF:8:52 dated 23.04.1991 has no relevance or significance to prove the case of the workman on the aforesaid ground.

4. The second party workman vide list Ex. 5 submitted the copy of the statement of claim as stated earlier, the aforesaid letters and the copies of proceedings before the Assistant Labour Commissioner.
5. On the basis of the pleadings, the following issues arise:
 - i. Whether the action of the management of Bank of Baroda by retrenching the services of Shri S.K. Gandhi without following the procedure of provisions of Section 25 F and 25 G of the Industrial Disputes Act, 1947 is legal and justified?
 - ii. To what relief, if any, the concerned workman is entitled?
6. **Issue No. i and ii:** As both the issues are interrelated, therefore, are decided together. The burden of proof of these issues lies on the second party workman S.K. Gandhi who submitted his affidavit Ex. 13 reiterating the averments made in the statement of claim but in his cross-examination, he has admitted that he will submit his appointment letter issued by the Bank but no such appointment letter was submitted during the proceeding of the case. He also admitted that he sent a suicide note to the Bank threatening the Bank to appoint him on regular basis. He has also admitted that the Kalol Branch of Bank of Baroda was closed and was merged in the main branch of Bank of Baroda in the same city. In the main branch, there was already a temporary sweeper who performs the work of sweeping. He has no evidence that he worked for more than 240 days.
7. The first party submitted the affidavit Ex. 20 of Asnani Murlidher Kishordas, The Manager, Human Resource Management at Regional Office, Godhra wherein he has reiterated the averments made in the written statement. In his cross-examination, he has stated that he does not know the workman personally. He also does not know that this workman worked from 1988 to 2002 in the Kalol Branch. He also does not know that the Gujarat High Court on 01.05.2005 would have passed the order that any casual worker who have worked for more than 10 years be regularised. The Regional Manager and Branch Manager of the Bank have no power to appoint any casual labour.
8. Both the parties submitted the written arguments Ex. 23 and 24 respectively. The second party workman in his written argument Ex. 24 has submitted that he worked for more than 240 days and it was the duty of first party to maintain the muster role which the first party failed to submit in the Tribunal. The first party has already admitted in the written statement that the workman worked for 1988 to 2002; therefore, he deserved reinstatement as well as regularisation. On the contrary, the first party in his written argument Ex. 23 referring number of judgements of various High Courts and Supreme Court submitted that the workman was purely a casual labour appointed on pro-rata basis and the services were discontinued as the branch, where the second party workman was working, was closed in the interest of the Bank's business. The said branch was merged with the main branch of the same city where a regular sweeper was working, therefore, this workman could not be continued to be re-engaged and regularised.
9. I considered the evidence and arguments of both the parties. It is admitted fact that the workman was engaged as a casual labour on pro-rata basis where he worked for more than 15 years, therefore, even if the hire and fire policy is applied, the workman ought to have been paid retrenchment compensation which is not done in this case. Therefore, the relief sought by the workman cannot be granted, though it would be appropriate that the workman should be granted some compensation for the service he rendered for 15 years. Thus in my view, this workman must be granted compensation of lump-sum amount of Rs.50000/- (Rupees Fifty Thousand). The prayer sought for re-engagement and regularisation is refused.
10. Thus both the issue are decided accordingly. The first party Bank of Baroda is directed to pay the aforesaid amount of Rs.50000/- (Rupees Fifty Thousand) to the second party workman Shaileshkumar K. Gandhi within 60 days from the publication of this award.
11. The award is passed accordingly.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 8 जनवरी, 2019

का.आ. 127.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स डब्ल्यू. सी. एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह-श्रम न्यायालय, नागपुर, के पंचाट (संदर्भ संख्या 11/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22012/36/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 127.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 11/2004) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of M/s. W.C.L and their workmen, received by the Central Government on 31.12.2018.

[No. L-22012/36/2013 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE SHRI S.S. GARG, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/11/2004

Date: 04.10.2018

Party No.1 : The Chief General Manager,
Western Coalfields Ltd.,
Nagpur Area, Jaripatka,
Nagpur-440014.

Versus

Party No.2 : The General Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
C-3, Koyla Vihar, Civil Lines,
Nagpur.

Dated: 4th October, 2018

AWARD

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Ltd. and their Union Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), for adjudication, as per letter No.L-22012/36/2013-IR(CM-II) dated 30.12.2003, with the following schedule:-

"Whether the action of the management of WCL through its Chief General Manager, Nagpur Area in superannuating the services of S/Shri Brijraj Beni, Abdul Khalique S/o Abdul Hammed and Shri Shivmurti S/o Sarabjit Verma w.e.f. 1.7.2002 without considering their request for the change of their date of birth/age as per the school certificate, Mining Sirdar Certificate and C.M.P.F. record in which they were relying upon is legal and justified? If not, to what relief the said workmen are entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement, in response to which, the Union Rashtriya Koyla Khadan Mazdoor Sangh (INTUC), ("the Union" in short) filed the statement of claim and the management of Western Coalfields Ltd. ("party no.1" in short) filed the written statement.

3. The Union filed a statement of claim by asserting that, union (INTUC) with a registered trade union which is affiliated with Indian National Trade Union Congress and Indian National Mines Workers of Federation. Party No. 1 Western Coalfields Ltd., a Govt. coal company, it registered office as well as head office at Nagpur. Workmen involved in this dispute are namely S/Shri Brijraj Beni, Abdul Khalique S/o Abdul Hammed and Shri Shivmurti S/o Sarabjit Verma. The Party No. 1 has its own Standing Order and covered by National Coal Wage Agreement, which was issued time to time by the member's secretary JBCCI (Joint Bipartite Committee for Coal Industry).

4. According to union address, date of birth and other particulars of the above workmen wrongly mentioned in their service records. Date of birth of the workmen involved in the instant industrial dispute were not recorded in form B

register maintained by the Erstwhile Mine owner such as M/s. Oriental Coal Company Ltd. which was owning Kamptee Colliery where in the workman Shri Brajraj Beni initially appointed by M/s. National Coal Development Corporation Ltd., where Shri Abdul Khaliq was initially appointed at Sillewara Colliery and at Pipla Colliery, Sh. Shivmurti was initially appointed on 01/12/1972, 05/01/1970 and 15/04/1972 respectively. According to union date of birth of these employees was not filed by these workmen but Party No. 1 subsequently changed their date of birth on their own imagination without knowledge of the concerned employees.

5. According to the union, workmen had filed necessary proof of their expected date of birth but management did not accept the evidence of their age proof and wrongly superannuated above these workmen from service w.e.f. 01st July, 2002. According to the Union matter were also discussed by the union with the management on time to time but management did not correct the age of birth of above employees and do not implemented the condition laid down through Instruction No. 76 of the JBCCI so, action of the management according to the union illegal and unjustified against the instruction issued by the JBCCI. According to the union matter was referred to age determined committee (ADC) but workmen were not issued any notice and intimation and did not follow norms of physical examination.

6. According to the union they filed details information regarding the above three workers. According to the union workmen had represented the management several times much before the year 2002, management also verified their date of birth from school records but management did not correct the date of birth of the workmen and they superannuated workmen only w.e.f. 01/07/2002, so workmen are entitled of reinstatement in their services and prayed for action of the management superannuating above three workers wrongly declared as unjustified and prayed for reinstatement of these workmen with full back wages till actual superannuating time and also prayed for other relief.

7. On behalf of the management written statement was filed by asserting that, present proceeding is not maintainable in the eye of Law because that the parties are already approaching Civil Court. According to them this reference is not vague but sham and frivolous. This proceeding is hit by the provisions of resjudicata. According to them Civil Court had jurisdiction to decide the correct date of birth. They have also asserted that Form B Register is a statutory document; also contain same date of birth. They also prayed that such proceedings are hit by delay and laches. The workman manipulate the date of birth by mentioning wrong document and they want to create to pressurize the Party No. 1 i.e. Management, they also asserted that they move at belated stage for unlawful gain. According to management workmen has already retired at ten years back and they cannot be reinstated in service, they also asserted that infact it is not an individual dispute and is not tenable.

8. According to the management proof of the date of birth was not filed at the time of initial appointment. Their claim about the change of date of birth was based on fraudulent document which was decided correctly by the management and superannuating them in times. They also asserted that fact mentioning of the service of the workmen are matter of records. They denied all material facts for which was mentioned in statement of claim regarding age proof document and procedure followed by the management or Age Determination Committee. They also denied that the workmen entitled to reinstatement with full back wages; they asserted that it is outside scope of reference. They also asserted that workmen keep mum for a period of over fifteen years; they also asserted that documents are carved for unlawful purpose. So, they also prayed that reference decided against the Union.

9. **Point of determination:**

- A) Whether action of the management in superannuating the service of above three workmen is legal and justified?
- B) Whether workmen are entitled to reinstatement with full back wage?
- (C) Whether the workmen are entitled for any other relief ?

Reasons of determination

10. On behalf of the management, they relied on following case laws:- GM, Bharat Coking Coal Ltd. Vs. ShibKumar Dushad, (2000) SC 969, Sushil Kumar Vs. Rakesh Kumar, (2003) 8 SC 673, Babloo Pasi Vs. State of Jharkhand, (2008) 13 SC 133, Ravinder Singh Gorkhi, (2006) 5 SC 584, Secretary and Commissioner, Home Department Vs. R. Kirbakaram-AIR (1993) SC 2647, State of MP Vs. Premal Shrivastava, (2011) 9 SC 664, State of Uttatanchal Vs. Pitamber Dutt Demwal, (20205) 11 SC 477, Dinesh Kumar Vs Western Coalfields Limited & Another, Order dated 11.05.2017 W.P. No. 15616/2016 (M.P. High Court), Ayyub Khan Vs. Western Coalfields Limited & Another WP No. 8403/2016 Order dated 18.05.2017 by Hon'ble High Court of Madhya Pradesh, Jabalpur, Burn Standard Co. Ltd. & Other Vs Dinbandhu Majumdar & Another's AIR 1995 SC 1499, Shiv Prasad Vs. Western Coalfields Limited & Others W.P. No. 3307/2013 Order dated 27/10/2016, Ishwari Prasad Vs. Western Coalfields Limited in W.P. No. 8761/2016 date of 05/12/2016, judgment dated 10/10/2017 in the W P No. 19829 of 2016 (Smt. Shyuumwati Yadav Vs Western Coalfields Limited (M.P. High Court):-

- (i) "Where question regarding correctness of date of birth as entered in service record raised by the employee long after his joining the service and the employer decided the question following the procedure prescribed by statute, held in absence of any arithmetical or typographical error apparent on the face of the record, High Court should not interfere with such decision of the employer in exercise of its extraordinary jurisdiction under Art. 226 of the Constitution."
- (ii) "Admission made by a party would be binding on him and a presumption can be drawn that the same has been established- Age of a candidate had to be proved on the basis of material on record as well as attending circumstances".

- (iii) “Opinion of Medical Board/Radiological examination/Ossification test - Such opinion, test and examination, held are essential but not exclusive proof of age- There can be no uniform standard due to variations in climate, diet, genes and other factor-----School Register, held, is relevant and admissible but is not of much evidentiary value in the absence of the material on which the age was recorded”.
- (iv) “School leaving certificate produced for proving date of birth of accused-----it was not original but second copy of school leaving certificate issued after 26 years of the accused leaving school Headmaster stating that he had no personal knowledge regarding date of birth of accused-----He was not in school when accused admitted therein----- held, the said school leaving certificate could not be relied upon”.
- (v) “Date of birth---Correctness of ---Not permissible only on basis of report submitted by Revenue Officer after holding enquiry”.
- (vi) Age—Date of birth—Circumspection, caution and carefulness must be observed---Reiterated, government servant cannot claim as a matter of right correction of date of birth in service record after lapse of time fixed by employer, even if he has good evidence to establish erroneous entry—On facts held, High Court committed manifest error in allowing change of date of birth after lapse of over two decades notwithstanding that no period for filing such application was prescribed”.
- (vii) “Writ Petition, challenging the recorded date of birth, filed by the employee concerned thirty long years after the preparation of service-book, although he had signed the same several times (at least times in this case) held---High Court ought not to have interfered with the departmental authorities decision rejecting the employees request to alter the recorded date of birth-----More so when the relevant rule prohibited the entertainment of any application or representation for correcting the recorded date of birth or age.”
- (viii) “Matriculation Certificate or Higher Secondary Certificate issue by the Board/University or Middle Class Certificate issued by the department and admit cards issued by the aforesaid bodies may be treated as correct; provided they were issued by the said bodies prior to the date of employment”.
- (ix) “The importance of the date of birth of an employee given to his employer and accepted as correct by the latter and entered in the service and Leave Record of the former, cannot be underestimated-----he would be required by his employer to declare his correct date of birth and support the same by production of appropriate certificates or documents, if any. Even where the person so appointed fail to produce the certificates or documents in proof of their date of birth, they would be required to affix their thumb impression or signature in authentication of their declared ages or dates of birth -----correction of such date of birth of employee after its acceptance by the Government or its instrumentality, its subsequent correction at the instance of such employee, becomes impossible-----we have no hesitation, in holding, that ordinarily High Courts should not in exercise of its discretionary writ jurisdiction, entertain a writ application/petition filed by the employee of the Government.”

10. On behalf of the union, they relied on following case law-----Sanikommu Venkateswara Reddy Vs The Singareni Collieries Co Ltd., Kothagudem & others -2015 LAB.I.C. (NOC) 10 (HYD) K. Chary Vs The General Narasimha and Manager (Personnel) Singareni Collieries Company Ltd., 2015 LAB.I.C. (NOC) 14 (A.P.):-

- i) “Date of birth ----- School certificate being public document can be safely relied on to determine date of birth of petitioner more particularly, when respondent have not chosen to question its genuineness by enquiring with education officers -----.”
- ii) “General Mazdoor treated as illiterate and date of birth entered in service records relying upon report of Medical ----- Company did not challenge said SSC certificate as being fraudulently obtained by General Mazdoor- Determination of date of birth by Medical Board in mechanical manner-Company directed to consider claim for correction of date of birth on basis of transfer certificate produced by General Mazdoor.”

I relied above all principles laid down by the Hon’ble Court. Now I want to see the argument submitted by union with respect to evidence part.

11. On the behalf of union it was argued that they examine two witnesses namely Abdul Khalique and Brijraj Beni but on behalf of management only one witness Smt. V. Laxmi Shankar with relate to only Abdul Khalique, so we argument was that their evidence regarding Brijraj Beni remain un-rebutted this argument was denied on behalf of management by asserting that evidence is not reliable.

12. Abdul Khalique stated in his chief examination to support his claim but on his cross examination, he admitted that at the time of appointment his medical examination was not taken. According to him, he made a representation challenging date of birth to the management to the year of 1997-98 but his appointment on 05.01.1973. He also admitted that letter dated 29.06.2002 is not seen to him, nor he receipt the copy. He also asserted that the application dated 01.07.2002 was filed by him and did not appear any board examination; accordingly to him he was not informed that age by suggested by the committee. Now I want to see Brijraj Beni.

13. Brijraj Beni (PW-2) gave his evidence and affidavit to support his claim but in his cross examination he admitted that he was appointed as Mazdoor in 1972 as a loader but due to accident in 1975, he sustained injury. He was unable to work as loader. He also admitted that on Form -B registered maintained by Kamptee Colliery who has signed he also asserted that in year 1987 he was first time brought to notice to the management regarding his date of birth. It shows that, this fact came in notice to the management after near about 15 years.

14. The workman, Brijraj Beni, PW-2 also admitted that, when service excerpt was supplied to him by the management, then he came to know about the wrong recording of date of birth. He also asserted that, he filed a school leaving certificate to the authority of the management, which is related to Monapur Primary School, but this certificate was produced by him before the management on 1987. He read up to class-V, but at the time of appointment, he did not file any School Leaving Certificate. He also asserted that, he did not go through Form 'B' register before signing the same. He also denied that, in CMPF register, his date of birth has been mentioned as 1949.

15. On going above evidence, it appears that, all above three workers filed a Civil Suit in the Court of Civil Judge, Sr. Division at Nagpur, which carries the number 942/2002 and 943/2002 etc, but they withdrew the same to file their claim before CGIT, Nagpur. On going the record, it also appears that, above three workers were working under WCL and they retired in the year 2002. According to the workman, Age Determining Committee is not working properly in assessing their age, but that fact was denied by the management. Now, we want to see the management's evidence.

16. On behalf of the management, Mrs. V. Laxmi Shankar was examined in support of their defence. She admitted in cross-examination that, the age of workman was asserted by Area Age Assessment Committee by Document Exhibit M-XI, but signature of Area Manager was not there. She also asserted that, the age of workman had been recorded 01.07.1942, but denied that, there was glaring mistake in the age of the workman, so this matter was referred to the Age Assessment Committee. She also asserted that, workman did not produce any document in support of his date of birth.

17. Mrs. V. Laxmi Shankar, MW-I asserted that, now she is working in Pipla Colliery and discharging the function of Welfare Officer. She also admitted that, Document Exhibit W-XII concerned with the workman, Abdul Khalik. She denied that, age of workman has been written in different ink. She also admitted that, by document Exhibit M-XI, Age Determining Committee, decided the age of workman, Abdul Khalik was between 55 to 60. She does not know, whether the age of the workman, Abdul Khalik was determined at the midpoint of said age.

18. On behalf of the workman, it was also argued that, management did not follow the instructions issued by the JBCCI on 15.04.1988. According to him member of Age Assessment Committee consisting Area General Manager, Area Personnel Manager and Medical Officer In charge of the area, but this argument was denied by the management by asserting that, they followed the proper procedure and the union wanted to pressurize the management for their illegal demand.

19. On the behalf of union it was argued that school leaving certificate was verified by the management but they found it genuine. They also argued that in case of Abdul Khalique age must be midpoint which was suggested by ADC (Age Determine Committee).

20. In case law--- Delhi Transport Corp. vs. Ombir Singh 2017 LLR 252, Hon'ble Lordship held that "Where principles of natural justice are not being complied with, then in such cases, compensation ought to be granted even if termination of service is found to be valid". On the basis of principle laid down in Engineering Laghu Udhog Employees Union vs Judge, Labour Court and Industrial Tribunal & others - (2003) 12 SCC 1 in which it was held that:- "no difference whether the matter comes before the tribunal for approval under S.33 or on a reference under S.10 of the Industrial Dispute Act, 1947. In either case if the enquiry is defective or if no enquiry has been held as required by Standing Orders, the entire case would be open before the tribunal and the employer would have to justify on facts as well that its order of dismissal or discharge was proper." "A defective enquiry in our opinion stands on the same footing as no enquiry and in either case the tribunal would have jurisdiction to go into the facts and the employer would have to satisfy the tribunal that on facts the order of dismissal or discharge was proper." These principles are also laid down by Hon'ble Supreme Court in case laws- Punjab Urban Planning & Development authority Vs. Mandip Singh (2016) 7 SCC-571, UPSRTC Vs. Gopal Shukla (2015) SCC 603, Sanjay Singh Vs. National Seed Corporation (2017) 13 SCC 269, V.D. Vegad Vs. State of Gujarat (2017) 2 SCC 508 and Angikr Oriental (Arbic) Higher Secondary School Vs. A. Harnoon (2017) 2 SCC 510.

21. In this case both parties are negligent in conduction the case as well as producing evidence. Mr. Shivmurti did not examine himself nor any person from the union in support of the case, so case of Shivmurti was not proved. Mr. Brijraj Beni and Sh. Abdul Khalique did not produce any documents in support of their date of birth but they relied on management's document Exhibit M-3 & M-4. Management filed documents M-1 to M-13, but they did not file ADC report of Shri Brijraj Beni.

22. On the contrary, argument of workman was that, ADC gave their report without physically and medically examined the workman. On perusal of the record, it appears that, there is cutting in the document, Form 'B' register of Shri Brijraj Beni. Party No. 1 also did not produce any oral evidence to rebut the evidence of Shri Brijraj Beni. It shows that, Party No. 1 did not follow proper procedure to certain the age of Brijraj Beni.

23. On perusal of the records it appears that, M.1 document and C-I (it was marked by the court at the time of judgment) were concerned with transfer certificate (TC) but concerned teachers were not examined. So, it does not reveal that, how this date of birth was mentioned in these documents by concerned authority. Moreover, in these documents, there is cutting between A to A and these two documents were issued after the employment i.e. M. 1 issued on

17/07/1987 and C-I issued on 04/04/1997 respectively, which is breach of Implementation Instruction No. 76. Annexure -I as shown at page No. 692, Part B (a), which was issued by JBCCI on 25/04/1988 (both parties are agreed with this document). It also appear that, in the process of age determination on document M-VII, M-VIII & M.IX worker Sh. Abdul khaliq puts his thumb impression and on behalf of management which was signed by concerned authority.

24. In Age Determining Committee, Sub Area Manager had not signed document M- XI, it is also pointed out that on this document, age of Sh. Abdul Khaliq is determined between 55 to 60 i.e. particular age/fixed age not determined by the Age Determining Committee (ADC). In general it will calculated 57.5 years but on perusal of document M- XI management deemed it 60 years and superannuated Sh. Abdul Khaliq, so it is defect on age determining procedure, which is against of their own standing rules as well as Instruction No. 76 of JBCCI. In service records age were mentioned but date of birth are not mentioned. Witnesses also admitted that they did not file any age proof at the time of appointment, so it may be possible that, they mentioned their age on their own prediction and management has accepted that age without requiring the document.

25. Judging the present case in hand with the touch stone of principles as mentioned above, I come to in this conclusion that, all employees have retired in the year of 2002, which is a lapse of near about 16 years so, in my opinion the reinstatement with back wages is not possible in these circumstances. As pointed out earlier Shri Abdul Khaliq was retired before two and half year, which age was determined by the ADC so, he is entitled of Rs. 3. 50 lakhs as Lumpsum compensation and Sh. Brijraj Beni is entitled of Rs. 1 lakh compensation in lieu of reinstatement and back wages but Sh. Shivmurti is not entitled to any relief.

Hence, it is ordered:-

ORDER

The action of the management of WCL through its Chief General Manager, Nagpur Area in superannuating the services of S/Shri Brijraj Beni, Abdul Khaliq S/o Abdul Hamed and Shri Shivmurti S/o Sarabjit Verma w.e.f. 1.7.2002 without considering their request for the change of their date of birth/age as per the school certificate, Mining Sirdar Certificate and C.M.P.F. record in which they were relying upon is not legal and justified. Shri Abdul Khaliq and Shri Brijraj Beni are entitled for Lumpsum compensation of Rs. 3.5 lakhs (Rupees three lakhs and fifty thousand only), Rs. 1 lakh (Rupees one lakh only) respectively in lieu of reinstatement and back wages, which is payable within one month from the publication of this award in official gazette, failing which, amount due to workmen will carry interest of 6% per annum from the date of due to the workmen to the date of actual payment of the amount to the workmen. Shri Shivmurti is not entitled to any monetary compensation. They are not entitled for any other relief.

S.S.GARG, Presiding Officer

नई दिल्ली, 8 जनवरी, 2019

का.आ. 128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स फूड कारपोरेशन ऑफ इंडिया के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह-श्रम न्यायालय, कोलकाता, के पंचाट (संदर्भ संख्या 16/1980) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2.1.2019 को प्राप्त हुआ था।

[सं. एल-42012/2/1978-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 16/1980) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kolkata as shown in the Annexure, in the industrial dispute between the management of M/s. Food Corporation of India and their workmen, received by the Central Government on 2.1.2019.

[No. L-42012/2/1978 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 16 of 1980

Parties: Employers in relation to the management of Food Corporation of India

AND

Their workmen

Present: Justice Ravindra Nath Mishra, .Presiding Officer

Appearance:

On behalf of the Management : Mr. J. Dasgupta, Learned Counsel with Mr. U.K. Mondal, Learned Counsel.

On behalf of the Workmen : Mr. M.S. Dutta, Learned Counsel.

State: West Bengal.

Industry: Food & Supply.

Dated: 19th December, 2018

This is the oldest reference pending in this Tribunal wherein by Order No.L-42012(2)/78-D.II(B) dated 21.02.1980 and corrigendum of even number dated 19th December, 1980 the Government of India in exercise of its powers under section 10(1)(d) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Food Corporation of India in retrenching with effect from 25.8.1974, 887 workers of the various Depots in the Calcutta Complex as mentioned in the Annexure, is justified? If not, to what relief are the workmen entitled?”

2. Brief facts giving rise to above reference are that the Food Corporation of India which is constituted by an Act of the Parliament for the purpose of procurement of food grains, storing and distribution of the same has stores/godowns/depots in different parts of India. Some of them were owned by FCI and some were hired on rent from different sources. In Calcutta Complex, besides having own depots, FCI had also hired some depots from Central Warehousing Corporation and West Bengal State Warehousing Corporation. There were 77000 workmen who were employed by FCI all over India including 3337 as handling mazdoors who worked in all such owned and hired godowns for and on behalf of FCI. Out of aforesaid 3337 handling mazdoors, about 887 were employed in different depots in Calcutta Complex. The workmen employed in above depots were all engaged during the period 1966 – 70 through contractors and as they were considered essential and required regular component necessary for day-to-day work of FCI, they were so departmentalized and continued to work uninterrupted as regular and permanent hands. It has been further pleaded by the union that though there was no change or shift in the general policy of procurement, storage and distribution of the Government of India, the local management of FCI without proper application of mind and in a fit of whims took a decision to de-hire some of aforesaid godowns in Calcutta Complex. FCI gave notice on 21.02.1974 for vacation of five godowns to the Central Warehousing Corporation which were taken by FCI on rent which are Sankrail (Belvedere Jute Mill), New Central Jute Mill, Hanuman Jute Mill, RHO Shed and Taratala. The FCI also intimated the West Bengal State Warehousing Corporation to vacate their godowns of Kankinara (Alliance Jute Mill), Union South (Metiabruz) and Budge Budge affecting 216 workmen. On 12th March, 1974 the FCI declared about 384 handling mazdoors belonging to Kantapukur Bengal Jute Mill and Jagannath Ghat godowns which were owned by FCI and also issued a letter to the union enclosing copy of retrenchment notice dated 14th July, 1974 alongwith list of 386 handling mazdoors belonging to Kantapukur and Jagannath Ghat depots. FCI through their agents, Central Warehousing Corporation and West Bengal State Warehousing Corporation by notices dated 20th July, 1974 and 21st July, 1974 effected retrenchment of 503 handling mazdoors. Thus retrenchment of 887 departmentalized handling mazdoors was cleverly done by and at the instance of FCI through its agents like Central Warehousing Corporation and West Bengal State Warehousing Corporation, though it was FCI who used to pay them their wages, bonus, PF contribution and all such benefits. Union of FCI raised protest against retrenchment and claimed revocation of the orders but failed. Therefore, the union referred the matter to the Regional Labour Commissioner for intervention and amicable settlement, but all efforts of conciliation failed due to adamant and unreasonable attitude of FCI. In the circumstances, the dispute at the instance of the union was referred to this Tribunal where the union by way of filing statement of claims claimed that the retrenchment of 887 concerned workmen was unjustified, mala fide, inoperative in law and void. Therefore, relief of reinstatement with all back wages including bonus and other fringe benefits have been prayed.

3. The Food Corporation of India filed its written statement pleading therein that in addition to operating its own food storage, FCI had also hired storage space in the godowns of warehousing corporations such as Central Warehousing Corporation or the West Bengal State Warehousing Corporation which are corporations established under Warehousing Corporation Act, 1962. The Central Warehousing Corporation and the West Bengal State Warehousing Corporation engaged their own employees for handling and supervision in respect of the food grains stored in their warehouses run by them. Prior to 1970 Food Corporation of India in view of nature and necessities of its functions never engaged any workman of its own and it had all along engaged labour contractors for handling of food grains in its food storage depots

at different places. The labourers are workmen who performed the said task were categorized according to their nature of work such as Mondal, Sardar, Munshi, handling and ancillary mazdoors. On 15th January, 1970 Food Corporation commenced operating with its own employees instead of utilizing the services of labour contractors. At that time the total strength of workers of all categories under the Food Corporation was 1898. It was gradually raised by different District Managers to buy industrial peace and harmony without any proportionate increase in work-load so that by 31st July, 1974 the number increased to 2723 but due to dwindling turnover of business resulting in decrease in requirement or necessity of storing capacity, there was practically no work and workmen were practically sitting idle to the detriment of FCI. Since FCI had no material for storage and there was likely-hood of any increased use of storage space in the near future, FCI had decided in early 1974 to provide its own workers with alternative employment elsewhere and to de-hire depots which belonged to others. However, alternative employment was refused by the workers at the instance of the union. Due to such refusal, FCI left with no other alternative but to retrench surplus workers. Therefore, FCI gave its workmen one month's and offered payment of legal dues in accordance with law. Retrenchment notices were sent to all individual workmen by registered post with acknowledgement and a copy of the notice was displayed on the notice board alongwith a list of surplus labour retrenched. It was also sent to the union's office. Appropriate government was also informed of the retrenchment of the workmen. FCI also gave notices to the persons or bodies from whom it had hired godowns including two warehousing corporations that it would vacate such godowns on the specified dates. Pursuant to the hiring of warehouses the FCI had no obligation to maintain or absorb the aforesaid workmen of the said statutory bodies. Accordingly, Central Warehousing Corporation and West Bengal State Warehousing Corporation served notices of retrenchment upon the workmen employed by them and paid them all in accordance with law. Of the total 887 workers thus retrenched, only 386 were workers of FCI and the remaining workers were of other employers. It is further pleaded that above dispute, if any has been resolved and has ceased to exist and is no longer capable of adjudication by reason of subsequent developments. In spite of the fact that there was no work left for the workmen, the case of FCI workmen was taken up with the Chief Minister, West Bengal by the union and at a meeting it was *inter alia* agreed that the matter relating to retrenchment of surplus labour after absorbing such of them as could possible be arranged for settlement within a period of three months. However, the union without fulfilling its obligations arising out of agreement at the meeting aforesaid, made a fresh demand that the Food Corporation should absorb the workmen belonging to and retrenched by Central Warehousing Corporation as well as State Warehousing Corporation. At the instance of union pressure were exerted upon the Food Corporation, both at the central and state level to take in all the 887 workmen, but the Food Corporation could only agree to take 300 of its own retrenched workers subject to certain conditions. On further pressure mounted upon the Food Corporation in 1977 the Food Corporation agreed to take all those retrenched workmen aforesaid on their being medically fit and upon police verification as per its requirement. Such absorption of retrenched workmen progressively took place by 19th July, 1981. Out of 887 retrenched workmen 824 workmen were given new appointment by the Corporation, while out of remaining 63 workers 8 were found medically unfit and 55 did not report to their new posts. It is further pleaded that in view of fact that the workmen being already absorbed and no dispute survives or is capable of adjudication, the reference in question is invalid and not maintainable. Therefore, the workmen are not entitled for any relief.

4. In reply to written statement of Food Corporation of India the union filed its rejoinder reiterating the averments of statement of claim and pleaded *inter alia* that out of 887 workers only 386 as alleged by Food Corporation were the workers of the corporation and subsequent to the present reference, only 824 out of 887 workmen are alleged to have been given employment on 19th July, 1981. The alleged absorption was not by way of settlement of the dispute and was unilaterally made by the Corporation to suit their own convenience and the workman accepted this fresh appointment with protest and without prejudice. They never gave up their dispute pending before this Tribunal. It is also pleaded that Shri Saugata Roy had no *locus standi* to represent the union in any alleged settlement with FCI. The Food Corporation of India has contravened Section 25FFF and 25H of the Industrial Disputes Act, 1947.

5. Food Corporation of India has also filed a rejoinder against the rejoinder filed by the union.

6. In order to substantiate their respective claims, WW-01, Shri Dulal Nath has been examined on behalf of the workmen and the management has examined MW-01, Shri Malay Ghosh, MW-02, Shri K. Ranganathan, MW-03, Shri Atul Kumar Mitra, MW-04, Shri Shyam Sundar Dutta and MW-05, Shri Sunelendu Bhattacharjee. Apart from this, parties have also filed several documents which shall be referred and discussed at the relevant place.

7. I have heard the learned counsel for the union, Mr. Madhusudan Dutta as well as for the management, Mr. Jayanta Dasgupta.

8. Learned counsel for the union has contended that de-hiring of depots by FCI amounts to closure, but the relevant provisions contained in Section 25FFA and 25H of the Industrial Disputes Act, 1947 have not been complied with. However, in the course of argument learned counsel conceded that as the matter belongs to the year 1974, all the workmen have already attained the age of superannuation. Therefore, learned counsel for the union concentrated on payment of back wages.

9. Learned counsel for FCI has denied de-hiring of depots amounts to closure. The undertaking of the organization was not closed, but only depots or godowns meant for storage of food grains procured by FCI was closed due to dwindling turnover of business resulting in decrease of requirement of storing capacity. It is further contended that before retrenchment of 386 workers belong to FCI requirement of notice and wages as provided under Section 25F of the Act was fulfilled. Similarly, the workers belonging to Central Warehousing Corporation and State Warehousing Corporation were also retrenched by them after complying with the provisions of Section 25F of the Act. However, it is contended that though all the 887 workers were retrenched after fulfilling the legal requirement of retrenchment, but a settlement

was reached out between the Corporation and the union where out of 887 workers, 824 were taken back by FCI itself. Rest were found medically unfit. Some of them did not turn up to join duties and some were reported to be dead. With above argument learned counsel for the management has submitted that there exists no dispute as all the retrenched workmen were taken back by the Corporation. He has further submitted that the retrenched workmen are also not entitled for relief of back wages.

10. First and foremost question which crops up for consideration is whether de-hiring of godowns of CWC and SWC by FCI amounts to closure of business. Closure has been defined under Section 2(cc) of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act of 1947) which runs as follows:

“2(cc) “closure” means the permanent closing down of a place of employment or part thereof.”

From the above definition of closure it is clear that permanent closing down of a place of employment or part thereof amounts to closure. FCI is not closing the place of employment permanently. Some of the godowns were hired by FCI from CWC and SWC for the purposes of enhancing storing capacity of food grains of FCI. From the perusal of record it is evident that it was CWC and SWC who engaged labours to facilitate the storage of food grains by FCI. Admittedly, those labours were not employees of FCI, though it is contended that later on those labours were departmentalized by FCI in 1970 and were continuously employed there as employees of FCI. In order to deal with this issue, it is necessary to examine the fact of departmentalization of workers by FCI. After a thorough scrutiny of record I failed to find any order of departmentalization of workers so as to infer their induction in employment of FCI. The union has filed a letter of Zonal Manager of FCI dated 14th January, 1970 sent to West Bengal State Warehousing Corporation in the matter of departmentalization of workers at Union South Jute Mills, Metiabruz. Substance of this letter is that the West Bengal State Warehousing Corporation would in no way be responsible for departmentalized workers if FCI ceases to make use of godowns of State Warehousing Corporation. It has been mentioned in this letter that it would be responsibility of FCI to deploy workers elsewhere. Thus, the only responsibility of FCI was to deploy the departmentalized workers. There is nothing on record to show that they were inducted in employment of FCI. The terms and conditions of departmentalization of workers are also not on record. Further, in 1971 a letter was sent to Zonal Manager, FCI by the Secretary of West Bengal State Warehousing Corporation in the matter of decasualization of labour at Budge Budge Depot informing him about version of union from which it appears that FCI had agreed in principle to departmentalize the existing labours of Budge Budge Jute Mill Depot being run by SWC. From this it appears that the policy of departmentalization was not acted upon. In response to above letter dated 30th March, 1971 Deputy Zonal Manager, FCI replied to the Secretary, SWC on 2nd April, 1971 (Ext. M-19) that decasualization of labour in the godown of SWC is a domestic affair of SWC and it was upto the authority of SWC whether to decasualize labour in any godown or not and in case decision to decasualize labour is taken, FCI would only reimburse the payment to be made to labours so long as its stocks lie in the godown of SWC. This fact was again reiterated in a letter dated 30th April, 1971 (Ext. M-20) that FCI would only reimburse additional expenses for departmentalization of CWC and SWC workers so long as their depots are utilized by FCI for their stocks. Again circular No. 12(1)/71-STG dated 20th March, 1972 confirms the responsibility of FCI towards so called departmentalized workers only to the extent of reimbursement to CWC the wages of the labour. Letter of Deputy Zonal Manager of FCI to SWC dated 20th March, 1974 (Ext. M-26) again clarifies the responsibility of FCI in the matter of departmentalization of the workers in which it is mentioned that FCI owes no responsibility in connection with departmentalization of labours with the depots at Kankinara and Budge Budge. Relying on circulars issued by FCI on 24th July, 1972 (Ext. W-32) and on 6th February, 1973 (Ext. W-46) union has contended that bonus and D.A. have been paid by FCI to the departmentalized workers. But the above circulars do not support the contention of the union as these circulars relate to the payment of bonus and D.A. to workers of FCI and not for the departmentalized workers of CWC and SWC. Thus in view of above discussion it cannot be said that besides 386 retrenched workers, others were ever inducted in employment of FCI. Hence FCI cannot be made responsible in respect of handling workers.

11. Thus when the labours engaged by CWC and SWC were affected by de-hiring of godowns by FCI that would not amount to closure of place of employment. It is not the case of the union that FCI has closed down its entire business from Calcutta Complex, but some of the workers of FCI were refused employment as a result of de-hiring the godowns. In these circumstances, de-hiring of godowns of FCI does not amount to closure of place of employment and therefore, provisions of Section 25FFA and Section 25FFF of the Act of 1947 do not apply.

12. Learned counsel for FCI has submitted that due to dwindling turnover of business of FCI resulting in decrease of requirement of storing capacity compelled FCI to retrench the workmen for which provisions of Section 25F were followed. Section 25F of the Act of 1947 may be reproduced hereunder for better appreciation of issue in controversy:

“**Section 25F. Condition precedent to retrenchment of workmen** – No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until –

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette.”

13. Undisputedly out of 887 workers, only 386 workers were workers of FCI. It is also not in dispute that these 386 workers were in continuous service of FCI for not less than a year. From above provisions of Section 25F of the Act of 1947 it is clear that before retrenchment of workmen who had been in continuous service for not less than one year under an employer, one month's notice in writing stating therein the reasons for retrenchment and wages for the period of notice by the employer are required. Burden lies on the employer, FCI in this case to prove that one month's notice and one month's pay in lieu of notice and retrenchment compensation for retrenchment were given by FCI. Apart from this, notice to the appropriate Government is also required. Learned counsel for FCI has submitted that FCI given notice to all 386 workers and compensation as required under Section 25F of the Act of 1947 before their retrenchment. According to FCI the notice once sent to the workers' union alongwith list of 386 workers proposed to be retrenched. Notice sent by FCI to 386 workers is on record as Ext. W-18 which has been filed by the union itself. From the perusal of notice Ext. W-18 it is evident that this notice was given by FCI on 19th July, 1974 for retrenchment of 386 workers of FCI with effect from 24th August, 1974. List of retrenched workers are annexed to the notice requesting all above 386 workers to collect all the dues on account of their wages, wages for the period of notice and retrenchment compensation provided in Section 25F(b) of the Act of 1947. Receipt of notice by union on behalf of the workers is not denied. Notice was also sent by FCI to Government of India informing about retrenchment of 386 workers as envisaged under Section 25F of the Act of 1947. Copy of notice is on record.

14. As regards retrenchment compensation MW-04, Shri Shyam Sundar Dutta has been examined on behalf of FCI to substantiate the stand taken by FCI. He has stated that retrenchment compensation was offered to the retrenched workers of FCI within due time. The workers initially refused to accept compensation, but ultimately they accepted the said compensation. Union has examined Shri Dulal Nath as WW-01, but the witness nowhere denied the receipt of notice or the retrenchment compensation as provided under Section 25F of the Act of 1947. WW-01, Shri Dulal Nath has merely stated that the retrenchment was made with effect from 25th August, 1974. The witness is silent on the point of notice, wages and compensation. His only grievance on the basis of his statement appears to be that within two years of the date of retrenchment, there was expansion of one of the depots at Jhinjiria Pole Depot, Orient Jute Mill Depot and Depot at Kalyani and these godowns started functioning after February, 1974. The workers of FCI who were working there, were asked to work overtime and given incentive and no new recruitment was made in these depots. Further, he has alleged that new 1200 persons were recruited as contract labour. Thus there is nothing on record to show non-compliance of provisions of Section 25F of the Act of 1947. Grievance of the witness regarding new recruitment also came to an end when 824 were given recruitment by FCI. The witness, Shri Dulal Nath himself has stated that out of 887 workers mentioned in the schedule of reference, about 824 workmen have been given re-employment in FCI with pay protection.

15. Learned counsel for the union has submitted that besides retrenchment of above 386 workers, CWC and SWC also issued notices to rest of workers on behalf of FCI which is illegal. CWC and SWC had no authority to issue retrenchment notice to workers working in de-hired godowns. There appears no substance in the submission of learned counsel as it has been seen above that only 386 workmen belonged to FCI. Rest of the workers are handling workers working at godowns of CWC and SWC. Hence FCI cannot be responsible for their retrenchment.

16. However, FCI had given them option of alternative employment which was refused on the ground that the alternative employment was being given outside Calcutta Complex. However, with the intervention of good offices of some responsible persons the retrenched workers accepted the offer of employment subject to their medical fitness and verification of their previous antecedents. A letter sent by Deputy Zonal Manager to Additional Labour Commissioner, Ext. M-30 shows that FCI had agreed to take back retrenched workers of CWC and SWC subject to their previous antecedents and medical fitness. It is admitted by WW-01, Shri Dulal Nath that out of 887 workers mentioned in schedule to the order of reference, about 824 have been taken in employment by FCI with pay protection. He has further stated that out of 887 retrenched employees, 824 have been reemployed in the service of FCI and their salary was fixed not at the initial stage as new entrants, but at the stage when their services were terminated. Thus FCI having taken back all the retrenched workers except those who were found medically unfit or who never turned up for employment, the question of legality or illegality of the retrenchment of the workers or their reinstatement does not arise. Moreover, it is conceded by the learned counsel for the union during argument that all the workers have attained the age of superannuation, hence no question of reinstatement otherwise arises. Learned counsel for the union has concentrated only on the point of back wages.

17. As it has already been seen above that 386 workers belonging to FCI were validly retrenched and they have already been taken back by FCI, no question of back wages arises. So far as other workers belonging to CWC and SWC are concerned, it has already come that they were not departmentalized as amounting to their induction in employment of FCI. FCI cannot be made responsible either for their reinstatement or for back wages. Moreover, WW-01, Shri Dulal Nath had deposed before this Tribunal that out of 887 workers 824 have already been reemployed in the service of FCI and their salary was not fixed at initial stage, but at the stage where their services were terminated. Therefore, there appears to be substance in the argument of FCI that no dispute exists for adjudication. As their salary has been fixed not at the initial stage but at the stage where their services were terminated, question of back wages also does not arise.

18. Learned counsel for FCI has submitted that even if for the sake of argument it is presumed that the retrenchment of all the 887 handling workers is ineffective, payment of back wages to them cannot be ordered automatically. Learned counsel has relied on U.P. State Brassware Corporation Ltd. v. Uday Narayan Pandey, (2006) 1 SCC 479 wherein the Hon'ble Supreme Court has observed that –

“17.....we may observe that although direction to pay full back wages on a declaration that the order of termination was invalid used to be the usual result but now, with the passage of time, a pragmatic view of the matter is being taken by the court realizing that an industry may not be compelled to pay to the workman for the period during which he apparently contributed little or nothing at all to it and/or for a period that was spent unproductively as a result whereof the employer would be compelled to go back to a situation which prevailed many years ago, namely, when the workman was retrenched.”

In M.L. Binjolkar v. State of M.P., (2005) 6 SCC 224 also the Hon'ble Apex Court has held that –

“..... The earlier view was that whenever there is interference with the order of termination or retirement, full back wages were the natural corollary. In has been laid down in the cases noted above that it would depend upon several factors and the Court has to weigh the pros and cons of each case and to take pragmatic view.

19. Further in order to claim back wages burden lies on the union to show that the workers remained unemployed during the period in question. Hon'ble the Apex Court in Navartis Limited v. State of West Bengal, (2009) 3 SCC 124 has observed that

“19. There can, however, be no doubt whatsoever that there has been a shift in the approach of this Court with regard to payment of back wages. Back wages cannot be granted almost automatically upon setting aside an order of termination inter alia on the premises that the burden to show that the workman was gainfully employed during interregnum period was on the employer. This Court in a number of decisions opined that the grant of back wages is not automatic. Burden of proof that he remained unemployed would be on the workman keeping in view the provisions of Section 106 of Evidence Act, 1872.”

20. Thus, the fact that the workers remained unemployed must not only be pleaded but must be proved by sufficient evidence. In the present case from the perusal of statement of claim it is evident that the above fact has not been pleaded. WW-01, Shri Dulal Nath has not uttered a single word regarding non-employment of workers during the period in question. Contrary to it he has confirmed that 824 workers have been taken back by FCI and they were also paid wages. Therefore, no ground exists for payment of back wages to the workers.

21. In view of above, present reference is answered in the affirmative. Workmen concerned are not entitled to any relief.

22. Award is passed as above.

The 19th December, 2018

Dated, Kolkata,

JUSTICE RAVINDRA NATH MISHRA, Presiding Officer

नई दिल्ली, 8 जनवरी, 2019

का.आ. 129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स आर. बी. एम. पाती (जे वी) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह-श्रम न्यायालय, कोलकाता, के पंचाट (संदर्भ संख्या 36/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 2.1.2019 को प्राप्त हुआ था।

[सं. एल-42012/200/2004-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 129.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2005) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Kalkata as shown in the Annexure, in the industrial dispute between the management of M/s. R.B. M-Pati (JV) and their workmen, received by the Central Government on 2.1.2019.

[No. L-42012/200/2004 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 36 of 2005

Parties: Employers in relation to the management of M/s. RBM-Pati(JV)

AND

Their workmen

Present: Justice Ravindra Nath Mishra, Presiding Officer

Appearance:

On behalf of the Management : Mr. Tarak Duta, Ld. Counsel.

On behalf of the Workmen : Mr. Himadri Prasad Paul, Ld. Counsel.

State: West Bengal. Industry: Petroleum.

Dated: 30th November, 2018

AWARD

By Order No.L-42012/200/2004-IR(CM-II) dated 04.08.2005 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of M/s. RBM-Pati(JV) contractor of National Highways Authority of India in terminating the services of Sh. Shyamal Kumar Santra, Helper at 56 KM camp, vide its order dated 25th May 2004 is legal and justified? If not, what relief he is entitled to?”

2. After receipt of order of reference, notices were issued to the parties. In compliance to which both the parties appeared and completed pleadings and the case is at the stage of evidence of the workman. At this stage, when the case is taken up today, it is submitted that the parties have settled their dispute out of court in terms of memorandum of settlement. Shri Pook Fong Fee, Director of the company is present to accept that the matter has been settled between the parties. Shri Shyamal Kumar Santra, concerned workman is also present in court and accepted the memorandum of settlement according to which after getting Rs.20,000/= he will not press this reference and shall not lead evidence. Receipt of Rs.20,000/= through a bank draft is mentioned in the memorandum of settlement.

3. However, as the workman does not want to press this reference, the reference needs to be decided in affirmative. He has not challenged the action of the management terminating him from service by adducing evidence to substantiate his claim.

4. In view of the above, there exists no dispute between the parties.

Reference is disposed of accordingly.

Dated, the 30th November, 2018.

Kolkata

JUSTICE RAVINDRA NATH MISHRA, Presiding Officer

नई दिल्ली, 8 जनवरी, 2019

का.आ. 130.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या 50/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22012/23/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 130.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22012/23/2013 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD****Present:** Sri Muralidhar Pradhan, Presiding OfficerDated the 26th October, 2018**INDUSTRIAL DISPUTE No. 50/2013****Between:**

The General Secretary
(Sri Riyaz Ahmed),
Singareni Miners & Engg. Workers Union(HMS),
Qtr. No.C-34, Sector-I,
Godavarikhani,
Karimnagar – 505209.

... Petitioner Union

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandammari Area,
Mandamarri – 504231.

... Respondent

Appearances:

For the Workman : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Lakshmi Panguluri, Advocates

AWARD

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No. L-22012/23/2013-IR(C.II) dated 23.4.2013 whereunder this Tribunal is required to adjudicate the dispute i.e.,

“Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Adilabad Distt. in terminating the services of Sri Baldari Jannaiah, Ex-Coal filler, Kaispeta Mine, Mandamarri Area with effect from 9.3.2004 is justified? If not, to what relief the applicant is entitled to?

On receipt of the reference this Tribunal has registered and numbered the reference as I.D. No.50/2013 and issued notices to both the workman and the management. They both appeared before the court and engaged their respective counsels with the leave of the court and consent of either party.

2. The workman filed his claim statement with the averments in brief as follows:

The workman Sri Baldari Jannaiah, Ex-Coal Filler at Kasipet Mine, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri was appointed on 7.3.1988. He was regular to his duties and performing his duties upto the satisfaction of all his superiors. While so, during the year 2001, the workman and his wife while travelling in an auto, they met with an accident and both sustained injuries. While the matters stood thus, charge sheet dated 1.2.2002 was issued to him by the Respondent alleging that the Workman absented for duty during the year, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of enquiry, the Workman was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Workman was dismissed from service vide order dated 2.3.2004 w.e.f. 9.3.2004. It is stated that during the course of the enquiry the Workman has categorically stated about his inability to perform his duties regularly during the year 2001, which was only on account of his ill-health and his wife's ill-health. But without considering any of his submissions, the Workman was dismissed from service. It is also stated that the action of the Respondents' management in dismissing the Workman from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Workman has rendered 14 years of continuous service in the Respondents' management. The Workman approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Workman was constrained to approach this Tribunal to declare the impugned order dated 2.3.2004 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Workman into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. Respondent filed counter with the averments in brief as follows:

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Workman was appointed in the Respondent's company on 7.3.1988 as Badli Filler and later regularized as Coal Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Workman had participated in the enquiry which was conducted purely following the

principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Workman was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Workman by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Workman is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Workman from service. It is stated that in fact the Workman was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Workman is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the counsel for the Workman conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondent is held as legal and valid vide order dated 2.5.2018.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Baldari Jannaiah is legal and justified?
- II. Whether the Workman is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Workman argued that due to his ill-health as well as his wife's ill-health the Workman could not be able to attend his duty sincerely. Even in his show cause the Workman has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Workman. When the Workman has taken a stand that due to his illness and his wife's ill-health, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. In this case, the authority has not considered any of the submissions of the Workman, and has given capital punishment to the Workman when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent's management argued that when the Workman was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Workman was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and also his wife's illness, and other family problems, the Workman could not be able to be regular in his duty, the Workman has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Workman were proved. For this, capital punishment was imposed. After dismissal of service, the Workman has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 46 years, he is now aged about 51 years and is searching ways and means to provide bread and butter to his family members. When the Workman being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondent, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Workman is a first offender and has worked for about 14 years under the Respondent, while imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Baldari Jannaiah is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Baldari Jannaiah is not legal and justified. After dismissal of service as stated earlier, when the Workman has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Workman has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Workman should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Workman has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Workman is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

RESULT:

In the result, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad District in terminating the services of Sri Baldari Jannaiah, Ex-Coal Filler, Kasipeta Mine, Mandamarri Area, w.e.f. 9.3.2004 is not justified and is hereby set aside. It is ordered that the workman be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman cannot claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman shall not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26th day of October, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Workman

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण — सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या 59/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22012/32/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 59/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22012/32/2013 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present:** Sri Muralidhar Pradhan , Presiding OfficerDated the 1st day of October, 2018**INDUSTRIAL DISPUTE No. 59/2013****Between:**

The General Secretary (Sri Riaz Ahmed),
Singareni Mines & Engg. Workers Union(HMS),
Ar.No.C-34, Sector-I, Godavarikhani -505209.
Karimnagar District.

...Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri (P.O.)
Adilabad district – 504231.

...Respondent

Appearances:

For the Petitioner : M/s. K. Vasudeva Reddy & A. Sarojana, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No.L-22012/32/2013-IR(CM-II) dated 30.4.2013 whereunder this Tribunal is required to adjudicate the dispute i.e.,

“Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad District., in terminating the services of Sri Nookala Srinivas, Badli Filler, KK-5A Inc., SCCL, Mandamarri Area, with effect from 28.9.1998 is justified or not? If not, to what relief the applicant is entitled for?

After receiving the above said reference this Tribunal registered the case with I D No. 59/2013 and issued notices to both the parties and secured their presence.

2. The workman filed his claim statement with the averments in brief as follows:

It is submitted that the Petitioner Workman was initially appointed as a Badli Filler on 28.2.1997. Since the date of his appointment the workman was regular to his duties and performing his duties upto the satisfaction of all his superiors. But during the year 1998, the Petitioner Workman could not be regular to his duties due to his ill health and other family problems. While the matters stood thus, charge sheet was issued to him by the Respondent alleging that the Petitioner Workman absented for duty during the year 1998, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner workman was dismissed from service vide order No. P/MM/7/2/01/1391 dated 22.3.2001. It is stated that during the course of the enquiry the Petitioner workman has categorically stated about his inability to perform his duties regularly during the year 1998, as it was only on account of his ill-health. But without considering any of his submissions, the Petitioner workman was dismissed from service. It is also stated that the action of the Respondent management in dismissing the Petitioner workman from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner workman has rendered 4 years of continuous service in the Respondent's management till the date of his dismissal. The Petitioner workman approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner workman was constrained to approach this Tribunal to declare the impugned order No. P/MM/7/2/01/1391 dated 22.3.2001 issued by the Respondent's is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Petitioner workman into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondent filed counter denying the averments made in the claim petition, with the averments in brief which runs as follows:

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Petitioner workman was appointed in the Respondent's company on 28.2.1997 as a Badli Filler. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner workman has attended the dates fixed for the enquiry and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry

Officer submitted his report holding the charges levelled against the Petitioner workman was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner workman by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner workman is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Petitioner workman from service. It is stated that in fact the Petitioner workman was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner workman is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. The domestic enquiry conducted by the Respondent is held as legal and valid vide order dated 14.7.2017.

5. Both the parties have advanced their arguments U/s.11A of the Industrial Disputes Act, 1947 in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Nookala Srinivas is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to illness and family problems, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above facts but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. But the authority has not considered any of the submissions of the Petitioner, and has imposed capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent submitted that when the Petitioner was a chronic absentee and was found guilty of the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to ill health and other family problems of the Petitioner workman, he could not be able to regular in his duty, remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner workman were proved. For this, capital punishment was imposed on the Petitioner workman. After dismissal of service, the Petitioner workman has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 45 years, he is now aged about 50 years and is searching ways and means to provide bread and butter to his family members. The Petitioner workman being an able bodied and energetic man has already realised his mistake and is coming forward to the court at the age of 45 years to work under the Respondent. In such a circumstances, atleast one chance should be given to him for reinstatement into service in order to save his family members. Admittedly several modes of punishment are enumerated in company's Standing Orders. In the case at hand the Petitioner is a first offender and has worked under the Respondent for a period of four years. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Nookala Srinivas is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Nookala Srinivas is not legal and justified. After dismissal of service as stated earlier, when the Petitioner workman has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner workman has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner workman should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner workman has not come to the court soon after his dismissal of service. In the opinion of this Tribunal the Petitioner workman is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

RESULT:

In the result, the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad District in terminating the services of Sri Nookala Srinivas, Ex-Badli Filler, Kasipeta Mine, SCCo. Ltd., Mandamarri Area, w.e.f. 23.3.2001 is not legal and justified and is hereby set aside. It is ordered that the workman be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman shall not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 1st day of October, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण — सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या 62/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22012/29/2013-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 62/2013) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22012/29/2013 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD****Present:** Sri Muralidhar Pradhan, Presiding OfficerDated the 16th day of November, 2018**INDUSTRIAL DISPUTE No. 62/2013****Between:**

The General Secretary (Sri Riaz Ahmed),
Singareni Mines & Engg. Workers Union(HMS),
Ar.No.C-34, Sector-I, Godavarikhani -505209.
Karimnagar District.

... Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri Area, Mandamarri (P.O.)
Adilabad district – 504231.

...Respondent

Appearances:

For the Petitioner : M/s. K. Vasudeva Reddy & A. Sarojana, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No.L-22012/29/2013-IR(CM-II) dated 1.5.2013 whereunder this Tribunal is required to adjudicate the dispute i.e.,

“Whether the action of the Chief General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad District., in terminating the services of Sri Bandari Narasaiah, Badli Filler, KK-5A Inc., SCCL, Mandamarri Area, with effect from 28.9.1998 is justified or not? If not, to what relief the applicant is entitled for?

After receiving the above said reference this Tribunal registered the case with I D No. 62/2013 and issued notices to both the parties and secured their presence.

2. The workman filed his claim statement with the averments in brief as follows:

It is submitted that the Workman was initially appointed as an employee in the year 1994. Since the date of his appointment the concerned workman was regular to his duties and performing his duties upto the satisfaction of all his superiors. But during the year 1997, the Workman could not be regular to his duties due to his ill health and other family problems and he took treatment at MGM hospital, Warangal for quite long time. While the matters stood thus, one charge sheet was issued to him by the Respondent alleging that the Workman absented for duty during the year, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of enquiry, the Workman was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order dated 20.9.1998. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 1997, was only on account of his ill-health and his wife's ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondent's management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 4 years of continuous service in the Respondent's management. The Petitioner approached the Respondent to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order dated 20.9.1998 issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. The Respondent filed counter denying the averments made in the claim petition, with the averments in brief which runs as follows:

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondent's company on 21.5.1993. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had participated in the enquiry which was conducted purely following the principles of natural justice. It is stated that basing on the evidence available before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges

levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent management constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondent management is held as legal and valid vide order dated 7.1.2016.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Bandari Narsaiah is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner argued that due to his ill-health as well as his wife's ill-health the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness and his wife's ill-health, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent argued that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, undergoing surgeries, and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 41 years, he is now aged about 46 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondent, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Petitioner is a first offender and has worked for about 4 years under the Respondent, while imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent's for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Bandari Narsaiah is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Bandari Narsaiah is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

RESULT:

In the result, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Area, Mandamarri, Adilabad District in terminating the services of Sri Bandari Narsaiah, Badli Filler, KK-5A Incline, SCCL, Mandamarri Area, w.e.f. 28.9.1998 is not legal and justified and is hereby set aside. It is ordered that the workman be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman shall not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 16th day of November, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या 130/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22012/82/2015-आईआर (सी.एम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 130/2015) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22012/82/2015 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT
HYDERABAD

Present: Sri Muralidhar Pradhan, Presiding Officer

Dated the 26th day of October, 2018

INDUSTRIAL DISPUTE No. 130/2015

Between:

Sri Markapuri Sathyanarayana,
 S/o Narsaiah,
 H.No.14-4-603, Vittal Nagar,
 Godavarikhani-505209.

...Petitioner

AND

The General Manager,
 M/s. Singareni Collieries Company Ltd.,
 Ramagundam-I Area,
 Godavarikhani –505209.

...Respondent

Appearances:

For the Workman : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Lakshmi Panguluri, Advocates

AWARD

This is a reference issued by the Government of India, Ministry of Labour and Employment, New Delhi vide order No.L-22012/82/2015-IR(CM.II) dated 26.11.2015 whereunder this Tribunal is required to adjudicate the dispute i.e.,

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavarikhani, Karimnagar Distt. in terminating the services of Sri Markapuri Satyanarayana, Ex-General Mazdoor, GDK-6B Inc., SCCL, Ramagundam-I Area, Godavarikhani with effect from 18.8.2000 is justified or not? If not, to what relief the applicant is entitled for?”

On receipt of the reference this Tribunal has registered and numbered the reference as I.D. No.130/2015 and issued notices to both the parties i.e., the workman and the management. Pursuant to the notice both the parties appeared before the court and engaged their respective counsels with the leave of the court and consent of either party.

2. The workman filed his claim statement with the averments in brief as follows:

The workman Sri Markapuri Satyanarayana, Ex-General Mazdoor at GDK-6B incline, M/s. Singareni Collieries Company Ltd., RG-I Area, Godavarikhani was appointed as Badli Filler on 31.1.1991. He was regular to his duties and performing his duties upto the satisfaction of all his superiors. While so, during the year 1999, the workman suffered from ill-health and other family problems. While the matters stood thus, charge sheet dated 23.2.2002 was issued to him by the Respondent alleging that the Workman absented for duty during the year, which amounts to misconduct under company's Standing Order No.25.25. Subsequently, one inquiry was conducted and during the time of enquiry, the Workman was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Workman was dismissed from service w.e.f. 18.8.2000. It is stated that during the course of the enquiry the Workman has categorically stated about his inability to perform his duties regularly during the year 1999, which was only on account of his ill-health and other family problems. But without considering any of his submissions, the Workman was dismissed from service. It is also stated that the action of the Respondent's management in dismissing the Workman from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Workman has rendered 10 years of continuous service in the Respondent's management. The Workman approached the Respondent to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Workman was constrained to approach this Tribunal to declare the impugned order issued by the Respondent is illegal and arbitrary and to set aside the same and consequently to direct the Respondent to reinstate the Workman into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. Respondent filed counter with the averments in brief as follows:

In the counter the Respondent while admitting some of the factual aspects to be true, stated that the Workman was appointed in the Respondent's company on 30.1.1991 as Badli Filler and later drafted as General Mazdoor, Category-I wages with effect from 1.9.1995. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Workman had participated in the enquiry which was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced

before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Workman was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Workman by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Workman is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondent was constrained to dismiss the Workman from service. It is stated that in fact the Workman was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Workman is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the counsel for the Workman conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondent is held as legal and valid vide order dated 27.12.2017.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Markapuri Satyanarayana is legal and justified?
- II. Whether the Workman is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Workman argued that due to his ill-health as well as other family problems, the Workman could not be able to attend his duty sincerely. Even in his show cause the Workman has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Workman. When the Workman has taken a stand that due to his illness and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. The authority has not considered any of the submissions of the Workman, and has given capital punishment to the Workman when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent argued that when the Workman was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondent's company is legal and proper. When the Workman was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service and the punishment imposed on the workman need no interference.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness and other family problems, the Workman could not be able to regular in his duty, the Workman has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Workman were proved. For this, capital punishment was imposed. After dismissal of service, the Workman has become jobless and unable to provide a square meal to his family members. As per the submission of the Learned Counsel of the applicant he has already realised his mistake and has taken shelter in the court at the age of 48 years, he is now aged about 52 years and is searching ways and means to provide bread and butter to his family members. When the Workman being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Workman is a first offender and has worked for about 10 years under the Respondent, while imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondent for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Markapuri Satyanarayana is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Markapuri Satyanarayana is not legal and justified. After dismissal of service as stated earlier, when the Workman has already realised his mistake and has come to the court with a prayer for his reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Workman has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Workman should be given a chance to maintain his livelihood and to work under the Respondent's management. But in this case, the Workman has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Workman is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondent's management.

Thus, Point Nos. II & III are answered accordingly.

RESULT:

In the result, the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavari khani, Karimnagar Distt. in terminating the services of Sri Markapuri Satyanarayana, Ex-General Mazdoor, GDK-6B Inc., SCCL, Ramagundam-I Area, Godavari khani with effect from 18.8.2000 is not justified and is hereby set aside. It is ordered that the workman be taken into service as a fresh employee i.e., Badli filler in Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman cannot claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman shall not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry and in the event of completion of one year of probation satisfactorily, the workman is to continue in service till the age of attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26th day of October, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Workman

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Workman

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या एलसी 15/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2019-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 15/2007) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22013/01/2019 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present:** Sri Muralidhar Pradhan, Presiding OfficerDated the 15th day of November, 2018**INDUSTRIAL DISPUTE L.C.No. 15/2007****Between:**

Sri Malyala Rajamallu,
C/o Smt. A. Sarojana, Advocate,
Flat No. G7, Ground Floor,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad.

...Petitioner

AND

1. The Director (PA& W)
M/s. Singareni Collieries Company Ltd.,
Kothagudem, Khammam District.
2. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Mandamarri, Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri Malyala Rajamallu who worked as Clerk (who will be referred to as workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No.CRP/PER/IR/D/92/4623 dated 6.12.2003 issued by the Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner workman joined as a Grade III Clerk in the office of the Respondents on 15.5.1993 on compassionate grounds. As his father was declared unfit by the medical board in the year 1991. After submission of his SSC, Intermediate and Degree Certificates, and physically handicapped certificate, he was posted as a Clerk Grade III. He was upgraded as Clerk Grade II by virtue of his sincere and dedicated service. After ten years of his appointment he was asked to submit his original degree certificate which he had submitted. In the mean time on 21.1.2003 he was issued with the charge sheet alleging therein that he has submitted fake degree certificate. He appeared for degree examination from 1989 to 1991 at Bullabai College through a Tutorial Institute, Visakhapatnam. It is stated that he appeared for examination and qualified and awarded degree from the Andhra University. It is further stated that SSC is the minimum qualification of appointment as a clerk Gr. III, but he had submitted all the certificates including B.Com degree. During the course of enquiry as well as enquiry report submitted by the Enquiry Officer were hit by the principles of natural justice and contrary to the principles of natural justice, and as such the enquiry conducted by the Department is vitiated. It is also stated that the Petitioner has not gainfully employed elsewhere and from the date of dismissal he is facing a lot of difficulties. The Petitioner and his family members have become burden to one and all on account of his dismissal from service. Therefore, the Petitioner has filed this petition to modify the punishment of dismissal to that of any lesser punishment so as to survive himself and to look after his family. It is further stated that the Petitioner filed WP No.26758 of 2003 before the Hon'ble High Court of A.P., questioning the impugned order No.CRP/PER/IR/D/92/4623 dated 6.12.2003 but the same was withdrawn on 15.12.2006 with a liberty to approach the Labour Court as Labour Court is the appropriate forum to adjudicate the issue. Hence, the Petitioner has filed this petition claiming relief mentioned above.

3. The Respondents filed counter with averments in brief as follows:

The Respondents appeared and filed their counter challenging the claim of the Petitioner. in the counter the Respondent while admitting some of the facts have denied the material facts stating therein that the Petitioner Mr. M. Rajamallu who had worked as a Mining Sirdar at KK 2 incline of the Respondents' company and as he was a case of Cirrhosis of Liver with Esophageal Varices, the Colliery Medical Board declared him unfit to work as Mining Sirdar vide proceedings No.AH/RKP/91/25/4538 dated 7.10.1991. As there was a provision to provide dependent employment to one of the male dependents of such employees, the Petitioner was appointed as a clerk Grade III with effect from 15.5.1993 vide

office order No.P(PM)5/3932/NCWA/2670, dated 25.11.1992. It is also submitted that for appointment to the post of Grade III clerk, company's prescribed qualification is SSC is incorrect and minimum qualification for the post is degree and the only relaxation is that the concerned need not have typewriting qualification. It is further submitted that the Petitioner workman was placed in Gr.II Clerk w.e.f. 27.12.2002. It is further submitted that as per clause No.4 of his appointment order, the Respondent can arrange for verification of qualification certificates at any point of time which reads as under:

"This appointment is subject to verification of antecedents and production of original certificates in proof of age, qualification, caste, experience etc. In case of adverse reports about your antecedents or in case the information furnished by you in connection with your age, qualifications, caste, experience etc. and found to be incorrect or false or suppressed and found to be incorrect or false or suppressed any time, your services will be terminated forthwith without notice or further reference to you and without assigning any reasons." It is stated that the degree provisional certificate No.18295 dated 20.10.1991 of the Petitioner said to have been issued by the Andhra University was got verified with the university authorities, Incharge Controller of Exams informed that the said provisional certificates of Mr. Rajamallu was verified with the office records and found not genuine. Since giving false information regarding one's name, father's name, age, qualification etc., in connection with his employment is a misconduct under company's approved standing orders, the Petitioner was rightly issued charge sheet under company's Standing Orders dated 21.1.2003. It is also stated that during the course of enquiry, the Petitioner did not submit his identity card issued by the college in which he studied, hall ticket for the degree examination to establish his claim that he studied degree and appeared degree examination to establish his claim that he studied degree and appeared degree examination at Bullabai College through Tutorial Institute at Visakhapatnam. It is further submitted that the Petitioner accepted the charge levelled against him and pleaded guilty of the charge. The Enquiry Officer clearly explained in Telugu the procedure of the enquiry and he was given an opportunity to have the assistance in his defence. The Petitioner participated in the enquiry and examined himself in his defence. The enquiry has been conducted properly. Principles of natural justice have been followed while conducting the enquiry by giving full and fair opportunity to the Petitioner. After enquiry the Enquiry Officer submitted the report and charge levelled against the Petitioner was proved. as the allegation levelled against the Petitioner is a serious offence, the punishment of dismissal was imposed on him with effect from 12.12.2003. A copy of the enquiry proceeding was served on the Petitioner workman who had filed a representation to that effect. The Disciplinary Authority after verifying the enquiry report and the representation of the Petitioner found the representation not to be satisfactory and the Disciplinary Authority issued the order on 6.12.2003 dismissing the Petitioner from service with effect from 12.12.2003. It is stated that as per company's Standing Orders No.25.10 the definition of the misconduct had been informed to the workman before his joining in service, which is given below for ready reference:

"25.10.: Giving of false information regarding one's name, age, father's name, qualification etc., in connection with his employment."

It is stated that with reference to the above clause the Petitioner entered into service of the Respondents' company as a clerk Gr. III declaring his educational qualification as degree and this fact has been recorded by the Respondents and the Petitioner has admitted the above fact during the course of enquiry as well as in his explanation dated 3.2.2003. In the written representation, after receipt of the enquiry proceeding the Petitioner also mentioned the above fact. It is further stated that he Respondents company by giving letter to the incharge controller of the examinations, Andhra University bearing No. B.H.(10)2031/2002, dated 27.11.2002 certifying that the provisional certificate bearing Reg. No.18295 of May 1991 of Mr. Malyala Rajamallu was verified with their office records and found not genuine and a copy of this letter was given to the Petitioner at the time of the enquiry and he did not challenge the said document at any point of time. It is also stated that even the misconduct committed by the Petitioner was well established in the enquiry through valid documentary evidence and on the self acceptance by the Petitioner himself, the Petitioner now claims that he did not commit any misconduct as alleged in the charge sheet, and that the findings of the Enquiry Officer are perverse and hence the dismissal order dated 6.12.2003 is liable to be set aside. It is further stated that the Petitioner has filed WP bearing No.26758/2003 challenging the dismissal order dated 6.12.2003, but later on it was withdrawn and the Hon'ble High Court of A.P., vide orders dated 15.12.2006 dismissed the above writ petition as withdrawn. With the above averments, the Respondents submitted for dismissal of the claim of the Petitioner as devoid of merits.

4. In view of the pleadings of both the sides, the following points are to be determined:

- I. Whether the dismissal order issued by the Respondents' management vide order No. CRP/PER/IR/D/92/4623 dated 6.12.2003 is illegal and arbitrary and is liable to be set aside?
- II. Whether the Petitioner is entitled to be reinstated into service and to get all consequential benefits such as continuity of service, back wages and all other attendant benefits?
- III. To what relief the Petitioner is entitled for?

5. The domestic enquiry conducted by the Respondents' management is held as legal and valid vide order dated 5.10.2010.

6. I have already heard the Learned Counsel of both the sides in the matter and perused the materials available on record.

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner / workman submitted that the enquiry was conducted by the Respondents, and they have not given ample opportunity to the Petitioner to produce any witnesses on his behalf. Had any opportunity was afforded to the Petitioner, to produce

witnesses on his behalf after explaining the procedure of enquiry, the Petitioner could have certainly produced witnesses on his behalf and thereby insisted to issue the impugned order of dismissal could have been avoided. As the proceedings of enquiry was recorded in English he could not understand the same. During the enquiry and also in reply to the show cause notice, the Petitioner categorically pleaded that, the certificate produced by him was genuine and the said assertion was not doubted or rebutted by the Presenting Officer. Admittedly, the un rebutted evidence need not be proved specifically. Therefore, the findings of the Enquiry Officer as well as the Disciplinary Authority holding the charge as proved and basing on such charge, dismissal of the Petitioner is wholly unsustainable in the eye of law. It is contended that in the charge sheet dated 21.1.2003 it was alleged that Petitioner was appointed as clerk by producing fake B.Com degree certificate. Neither the provisional certificate nor the degree certificate has got any role in either appointment or promotion of Clerk grade III or Clerk Grade II. It is also contended that the onus to prove the charge is on the person who alleges. In the instant case though charge sheet was issued alleging that the Petitioner was selected and appointed by producing fake B.com degree certificate, no evidence was let in during the course of enquiry to substantiate the said charge, the submission of the Presenting Officer cannot be treated as submission of witness. In addition to the statement of the Presenting Officer, one Sri Uday Mohan was examined who simply reiterated the charge alleged but he did not produce any document to substantiate the charge showing that by producing fake degree certificate, the Petitioner obtained the appointment as Clerk Grade III. Therefore, merely basing on the statement of the Presenting Officer, and the oral statement of MW1, the charge cannot be treated as proved. It is further contended that it is also no more a res integra that any documents sought to be relied upon to substantiate the charge should not only be indicated in the charge sheet, but also the same should be supplied to the delinquent employee. In the instant case on a bare perusal of the charge sheet clearly establishes that neither the letter dated 27.11.2002 was disclosed in the charge sheet nor the same was supplied to the Petitioner before commencement of the enquiry. Further the letter dated 27.11.2002 was neither marked nor proved, during the course of the enquiry, the letter dated 27.11.2002 was obtained behind the back of the Petitioner by the authorities of the Vigilance Department, which should be produced and proved by giving ample opportunity of cross examination. In support of his contention he relied on a decision reported in AIR 1972 SC 1031 (para No.39 / page No.30 in the booklet) decided in the case of Delhi Cloth and General Mills Vs. Ludh Budh Singh, wherein their Lordships held that, "the burden of proof lies on the person who alleges, but it is not for the delinquent employee to disprove the charge." He also contended that the above provision of Law was reiterated by the Hon'ble Supreme Court in Nirmala J. Jhala Vs. State of Gujarat & another reported in 2013 (4) SCC 301(para Nos. 41 to 46 & 51/ Page No.82 in the booklet). As per his contention the said principles of law was even followed by the Hon'ble High Court in S.L. Narasaih Vs. Addl. Industrial Tribunal, reported in 2011(1) ALD 713 (para Nos. 7 to 11) / page No.39 in the booklet). The Division Bench of the Hon'ble High Court in WA No.37/2013, dated 9.10.2013 in APSPDCL, Vs. A. Yesudas and in Divisional Electrical Engineer (Operations) Vs. AP TRANSCO Ltd., reported in 2011 (3) ALD 536 (para Nos. 5 & 6 / Page no.57 of booklet), have also observed the above findings. He contended that in the instant case, no witnesses were examined and no documents were marked or proved, to prove that the Petitioner obtained the job of a clerk by producing the fake degree certificate. Therefore, the management failed to prove the charge against the Petitioner and the finding of the Enquiry Officer is perverse in nature. The impugned order issued basing on such perverse finding is liable to be set aside. He further contended that admittedly letter dated 27.11.2002 was obtained behind the back of the Petitioner by the authorities of the Vigilance Department, during the preliminary enquiry. When a decision is taken place to conduct a regular Departmental Enquiry, any material obtained during the preliminary enquiry should be produced and proved by giving opportunity of cross examination, the Presenting Officer or the Enquiry Officer cannot make use of any material or document collected by them during the course of the preliminary enquiry against the delinquent employee, unless this materials or documents are produced nor proved in accordance with law; Until then, the Disciplinary Authority cannot make out it as a foundation for passing the impugned order of dismissal. Admittedly, letter dated 27.11.2002 was obtained behind the back of the Petitioner and no witness was examined by the Respondents and the said letter was neither marked nor proved during of the course of regular departmental enquiry. There was no even assertion of obtaining employment by producing a fake degree certificate, either by the Presenting Officer or by MW1. Therefore basing on such letter, the Enquiry Officer grossly erred in arriving at a conclusion that the Petitioner obtained employment by producing a fake Degree Certificate. It is also contended that the above principle of law was reiterated by the Hon'ble Supreme Court in Nirmala Jhala Vs.State of Gujrat (para Nos.41 to 48, 50 to 53 / page No.82 of booklet) and Division Bench of the Hon'ble High Court in the case of David Wilson Vs. Secretary to Government (para Nos. 27 to 29 / page No.87 of booklet.), which is reported in 2001 (5) ALT 65. He further contended that the Enquiry Officer has acted as a representative of the management, but he should not act as a representative of the management, he should act like a Judge. In the instant case instead of conducting the enquiry with an open mind from the beginning the Enquiry Officer proceeded with a preconceived notion as if charge is liable to held proved. The above said conduct of the Enquiry Officer was deprecated by the Hon'ble Supreme Court decided in the case of State of Uttar Pradesh Vs. Saroj Kumar Sinha (para Nos.28 to 30 / para No.150 of booklet) which is reported in 2010 2 SCC 772. He further contended that Disciplinary Authority after receipt of the representation of the Petitioner, has not passed a reasoned order. He has not considered the representation of the Petitioner and such a conduct on the part of the Disciplinary Authority in issuing unreasoned and cryptic orders was deprecated by the Hon'ble Supreme Court in the case of G. Valli Kumari Vs. Andhra Education Society reported in (2010) 2 SCC 497 (para 19 / page No.108 of booklet). As per his contention in WP No.26615/1997 dated 17.4.2007 (page 112 of booklet) the above matter has also been decided and it has been observed that the Respondents were parties also deprecated issuance of such cryptic and unreasoned order by the Respondents. He also contended that the role of the Presenting Officer is like a counsel in the court proceedings. The Presenting Officer has to produce the relevant documents and prove those with relevant witnesses. In the present case the role of the Presenting Officer cannot be treated as a witness as he will not have any knowledge of the factual aspects of the incident. In support of his above contention he relied on a decision of the Hon'ble High Court reported in 2011(3) ALD 442 decided in the case of the General Manager, SCCL,

Mandamarri Division Vs. Mohammed Fareed (page No.156 of booklet) and held that, “the case was presented before the Enquiry Officer by the Presenting Officer. Not a single witness was examined. For all practical purposes, the Presenting Officer answers the description of a counsel and by no stretch of imagination, he can be treated as witness, much less, he can vouch for the correctness or otherwise of the documents produced by him. It is only the persons, who are custodians of the concerned records or who are acquainted with the facts of the case, that can be examined as witnesses and who can throw light upon a truth or otherwise of the allegation or charge. Once it has emerged that, no person was examined in support of charge. The inescapable conclusion is that, the charge was not proved at all.” As per his contention in the instant case MW1 did not depose anything except reiterating the charge, whereas, the Enquiry Officer, wholly relying upon the statement of the Presenting Officer, held the charge as proved, which is wholly not/ permissible in law. It is further contended that after passing of the order of dismissal dated 6.12.2003, the Petitioner and his family are facing lots of hardships and starvation. The Petitioner remained unemployed from the date of his dismissal to till date. He is not able to provide two square meals in a day to his family but for the help rendered by his friends and relatives the Petitioner and his family members could not have survived in this world for the last 10 years. As per his contention the Petitioner was dismissed from service exclusively basing on the letter purportedly issued from the authorities of Andhra University dated 27.11.2002 but the said letter was neither marked nor proved during the enquiry giving opportunity to cross examine, to the Petitioner. During the enquiry no material was marked or proved to hold that by relying upon the B.Com Degree certificate or B.Com provisional certificate, the Petitioner was given the post of clerk. While deposing during the enquiry, neither the Presenting Officer nor MW1 asserted and proved that, only basing on the B.Com degree certificate, produced by the Petitioner, he was given the post of Clerk. Lastly he submitted the issuance of that impugned order of dismissal basing on such unproved document is liable to be set aside. Even otherwise also charge of obtaining employment basing on fake degree certificate should be proved during the course of regular Departmental enquiry by producing the relevant documents and by examining relevant witnesses. In this case no documents were produced to prove that the Petitioner obtained employment basing on such a fake degree certificate. Further neither the Presenting Officer nor MW1 even asserted that the Petitioner obtained employment basing on the fake degree certificate and with the above submissions the Learned Counsel for the Petitioner submitted that the dismissal order be set aside granting all other consequential and attendant benefits such as continuity of service and back wages to the Petitioner.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondent contended that through out the argument, the Learned Counsel for the Petitioner has challenged the genuineness of the enquiry proceeding. This court after hearing both the sides vide order dated 15.10.10 have already held that the domestic enquiry conducted by the Department is legal and valid and did not find any fault in it. The Learned Counsel for the Petitioner while arguing about the validity of the domestic enquiry had also submitted the above facts, and the court after hearing both the sides have passed the order. When the domestic enquiry conducted by the Department is held valid and legal, the question of role of the Presenting Officer is not a matter of challenge. It is submitted that admittedly, the Petitioner has been given employment as a clerk Gr.III on compassionate grounds on 15.5.1993. At the time of appointment the Petitioner has submitted the SSC certificate, degree certificate and physically handicapped certificate. After completion of 10 years of service when his case was considered for promotion to Clerk Gr. II, it was pointed out that the degree certificate submitted by the Petitioner was a fake certificate. Thereafter a preliminary enquiry was conducted and charge was framed and show cause notice was issued. The Petitioner fully participated in the enquiry and in the enquiry it was proved that the information supplied by the Petitioner at the time of his initial posting was not correct. The appointment order stipulates that this appointment is subject to verification of antecedents and production of original certificates in proof of age, qualification, caste, experience etc. and it found to be incorrect or false or suppressed any time, your services will be terminated forthwith without notice or further reference to you and without assigning any reasons.” The Petitioner was well aware of the above stipulation, at the time of joining in service. But inspite of that by giving a fake degree certificate, he joined in the service. He clearly submitted that SSC certificate is sufficient to get the job of clerk Gr.III. The Petitioner has violated the terms and conditions of his order of appointment, stating therein that he has been charged for producing fake degree certificate to secure employment in the companys’ management as a clerk under dependent employment provision and such action amounts to misconduct under company’s Standing Orders No.25.10 which is also quoted by him as:”25.10: Giving of false information regarding one’s name, age, father’s name, qualification etc., in connection with his employment”. As per his contention at the time of appointment as a clerk Gr.III, the Petitioner has given such a false information about his qualification and after 10 years completion of service, it was detected and the Petitioner could not be able to justify that the information submitted by him to be true. In the enquiry it has been established that the Petitioner had submitted a fake B.Com certificate which is not expected from a service holder and the Petitioner has violated the conditions which had been stipulated at the time of his appointment and as such he has committed misconduct under Standing Orders No.25.10. Therefore, the Petitioner is not entitled to get any benefit. After completion of enquiry the above fact has been established and the Disciplinary Authority has rightly passed the order of dismissal. It is submitted that the order passed by the Disciplinary Authority is justified and it needs no interference.

9. On consideration of the rival contentions of both the sides it is observed that the Petitioner had been appointed as a clerk Gr.III on compassionate ground in his father’s place. At the time of joining though the required qualification for the post of Clerk Gr. III, was SSC, the Petitioner had submitted SSC certificate, inter certificate and B.Com degree certificate, along with his handicapped certificate. In fact he had not been asked to produce the degree certificate. But when it was detected that the degree certificate produced by the Petitioner is a fake one, the management made correspondence with the author of the certificate and got the information about the genuineness of the certificate. When the management was convinced in the correspondence made with the author of the certificate, later on, they issued charge memo to the Petitioner. During the course of enquiry the Petitioner has also admitted the same fact that at the time of his appointment he has produced the SSC certificate, intermediate certificate, degree certificate and handicapped certificate.

He has not concealed that he has not produced the degree certificate. Only basing on the correspondence of the management through letter dated 27.11.2002, the management held that the degree certificate produced by the Petitioner is a fake one. During the course of enquiry the management has not examined the author of the letter dated 27.11.2002. It is not known under what circumstances the management came to the conclusion that the certificate produced by the Petitioner is a fake one. In this context, the burden lies on the management to prove how, the certificate is a fake one. Simply relying on the letter dated 27.11.2002 without producing any other connected documents how, the management has come to the conclusion that it is a fake one is not believable. The Petitioner throughout his submission has stated that he has appeared intermediate examination and in the intermediate examination he has failed in four subjects and while appearing the supplementary examination he also applied for correspondence course of degree examinations. No where the Petitioner has stated that he has joined in any regular course. Even though the enquiry was conducted by the management, the management should have examined either the employees of Bullabbai College at Visakhapatnam where the Petitioner had appeared for the examinations of correspondence course of degree. Without examining any of the member of the college, as well as the author of the letter dated 27.11.2002 the decision taken by the management imposing such a capital punishment is not justified. Admittedly, the Petitioner has completed 10 years of service in the Department and by virtue of his experience he was eligible to get promotion to the post of Clerk Grade II. When only SSC certificate was enough to get either Clerk Grade III, and Clerk Grade II, the demand of degree certificate is also not necessary. Even though the domestic enquiry has been held to be legal and valid as per the procedure maintained by the Department, but the Department has not conducted the enquiry in any of its proper prospective. In the instant case, the Presenting Officer has been examined as a witness and though another witness has been examined on behalf of the management as MW1, but he has not stated anything alleging against the genuineness of the documents. The Enquiry Officer who has conducted the enquiry has not gone deep into the matter and only superfluously conducted the enquiry. In fact in the instant case burden of proof lies on the person who alleged. But the Respondents who made the allegation has not discharged the burden of proving the allegation made by them. When the Petitioner on getting failed in intermediate, has appeared the correspondence degree course, has obtained the degree certificate, and the genuineness of the document was not within his scope. It cannot be stated that the Petitioner fully aware about the fakeness of the certificate and he has made a false information to the management to get the job. If the Petitioner would have got the information of the fakeness of the degree certificate he could have not produced the same at the time of his appointment, when he was well aware of that SSC certificate is sufficient to get the job. Rather he has produced the intermediate certificate, degree certificate on good faith which was not out of his knowledge. When the allegation of the management has not been proved and the management has failed to discharge their duty to prove the burden lies on them, the punishment imposed by the management is not justified. When the Petitioner has already completed 10 years of service and had gathered more experience than the required qualification, and is established in the society the punishment imposed by the management is not justified and proper. So in this regard I find force on the contention raised by the Learned Counsel for the Petitioner.

Thus, Point No.I is answered accordingly.

10. **Point No.II:** In view of the findings given in Point No.I, the Petitioner is entitled to get reinstatement into services. As regards back wages, in fact, the Petitioner has not rendered any service to the Respondents' management during the above period, but in absence of any job, he has suffered mentally and unable to provide a square meal to his family members. for this he is entitled to get 20% of back wages and not entitled to get any other relief. Hence, order.

Thus, Point No.II is answered accordingly.

ORDER

In the result the petition is allowed partly. The dismissal order issued by the Respondents' management vide order No.CRP/ PER/ IR/ D/ 92/ 4623 dated 6.12.2003 is held illegal and is hereby set aside. The Petitioner is entitled to be reinstated into service and as regards back wages, as the Petitioner has not served during the above period, and in absence of any job, as he has suffered mentally and unable to provide a square meal to his family members, he is entitled to get 20% of back wages, and not entitled to get any other relief.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant transcribed by her corrected by me on this the 15th day of November, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण — सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या एलसी 60/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2019-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 135.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 60/2010) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22013/01/2019 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present:** Sri Muralidhar Pradhan, Presiding OfficerDated the 26th day of October, 2018**INDUSTRIAL DISPUTE L.C.No. 60/2010****Between:**

Sri Kothuri Raghu,
S/o Kudaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad .

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Srirampur Area, Srirampur, Adilabad District.
2. The Superintendent of Mines,
M/s. Singareni Collieries Company Ltd.,
RK-5 Incline, Srirampur, Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. S.M. Subhani & T. Padmaja, Advocates

AWARD

Sri Kothuri Raghu who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking the relief for declaring the proceeding No. SRP/PER/13.008/635 dated 6.2.2004 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows:**

The Petitioner was appointed as Badli Filler on 28.2.1988 and subsequently got confirmed as Coal Filler in the year 1990. During the year 2002, the Petitioner suffered ill-health and other personal problems. While the matters stood thus, a charge sheet was issued to the Petitioner by the Respondents alleging that the Petitioner absented from duty during the year 2002. The Petitioner submitted his explanation, but without considering his explanation, one inquiry was conducted, and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order dated 6.2.2004 with effect from 11.2.2004. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the year 2002, was only on account of his ill-health. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents' management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 14 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order dated 6.2.2004 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, and back wages etc..

3. **The Respondents filed counter denying the averments made in the claim petition, with the averments in brief which runs as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 28.4.1988. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner had participated in the enquiry which was conducted purely following the principles of natural justice. It is stated that basing on the evidence available before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 4.4.2014.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. **In view of the above facts, the points for determination are:**

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Kothuri Raghu is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner argued that due to ill-health, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents argued that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 47 years, he is now aged about 55 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Petitioner is a first offender and has worked for about 14 years under the Respondent, while imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Kothuri Raghu is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Kothuri Raghu is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. SRP/PER/13.008/635 dated 6.2.2004 issued by the Respondents' Company is declared as illegal and is hereby set aside. It is ordered that the workman Sri Kothuri Raghu be taken into service as a fresh employee i.e., Badli filler on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 180 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry, and in case the workman completes the one year probation period successfully he will continue in service till the age of his attaining superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 26th day of October, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 136.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण — सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या एलसी 64/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2019-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 136.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 64/2006) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22013/01/2019 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present:** Sri Muralidhar Pradhan, Presiding OfficerDated the 28th day of November, 2018**INDUSTRIAL DISPUTE L.C.No. 64/2006****Between:**

G. Sheshadri, S/o G. Venkat Rao... died per LRs.

1. Smt. G. Padmavathi,
s/o G. Venkat Rao and m/o G. Sheshadri,
aged about 65 years
2. T. Sandhya Rani (Divorcee),
D/o G. Venkat Rao,
Aged about 32 years

All are R/o H.No.2-2-120,
House Board Colony, Chunchupalli,
Kothagudem, Khammam district.
(The Petitioners are brought on record as per the
Orders passed by this Hon'ble Court)

...Petitioners

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Srirampur Area, Srirampur, Adilabad District.

2. The Colliery Manager/ SOM,
M/s. Singareni Collieries Company Ltd.,
SRP 2A-Incline, Srirampur, Adilabad District.

...Respondents

Appearances:

- For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates
For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri G. Sheshadri who worked as Coal Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking the relief for declaring the proceeding No. SRP/(P)/P(IR)35A/01/2597 dated 2.8.2001 issued by Respondent No.2 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. **The averments made in the petition in brief are as follows:**

The husband of Petitioner No.1 was appointed as Badli Filler in the year 1999. The Petitioners submit that during the year 2000, it was found that the uncle of the husband of the Petitioner No.1 fell sick owing to failure of both the kidneys, as such, the mother of the husband of Petitioner No.1 accepted to donate one of her kidneys to the uncle of the husband of the Petitioner No.1. As there was no other family member to attend his mother and uncle, the husband of the Petitioner No.1 was forced to accompany them. Due to these circumstances, the husband of the Petitioner No.1 could not perform his duties regularly during the year 2000. While the matters stood thus, a charge sheet was issued to the husband of the Petitioner No.1 by the Respondents alleging that the husband of the Petitioner No.1 absented from duty during the year 2004. The husband of the Petitioner No.1 submitted his explanation, but without considering his explanation, one inquiry was conducted, and during the time of the enquiry, the husband of the Petitioner No.1 was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved, and basing on the erroneous findings of the Enquiry Officer, the husband of the Petitioner No.1 was dismissed from service vide order dated 27.10.2005 w.e.f 1.11.2005. It is stated that during the course of the enquiry the husband of the Petitioner No.1 has categorically stated about his inability to perform his duties regularly during the year 2004, which was only on account of his uncle's ill-health and other family problems. But without considering any of his submissions, the husband of the Petitioner No.1 was dismissed from service. It is also stated that the action of the Respondents' management in dismissing the husband of the Petitioner No.1 from service is wholly illegal, arbitrary, violative of the principles of natural justice. The husband of the Petitioner No.1 has rendered 5 years of continuous service in the Respondents' management. The husband of the Petitioner No.1 approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the husband of the Petitioner No.1 was constrained to approach this Tribunal to declare the impugned order dated 27.10.2005 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the husband of the Petitioner No.1 into service duly granting all other attendant benefits such as continuity of service, and back wages etc.. During the pendency of this proceeding Petitioner G.Seshadri died and after his death the present Petitioner being his legal representative aerated as parties in this case.

3. **The Respondents filed counter denying the averments made in the claim petition, with the averments in brief which runs as follows:**

In the counter the Respondents while admitting some of the factual aspects to be true, stated that Petitioner, G. Seshadri was appointed in the Respondents' company on 1.12.1999. He was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The deceased Petitioner had participated in the enquiry which was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, the Enquiry Officer submitted his report holding the charges levelled against Petitioner, G. Seshadri was proved. A copy of the enquiry report and the enquiry proceeding was sent to the deceased Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the deceased Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the deceased Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the deceased Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the counsel for the Petitioners conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 26.6.2009.

5. During the pendency of the present dispute, the sudden demise of the Petitioner was reported vide one certificate dated 3.5.2014. Thereafter the LR's of the deceased Petitioner, Smt. Gajula Padmavathi, W/o Late G. Sheshadri and Ms. Sandhya Rani, D/o Late G. Sheshadri, were brought on record and a fresh claim statement was filed by the LR's reiterating the same averments made in the claim petition of the deceased Petitioner.

6. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

7. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri G. Sheshadri is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief his LRs are entitled to?

8. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioners argued that due to kidney failure of the uncle and subsequent kidney donation of his mother to his uncle, follow up surgeries to them, the deceased Petitioner could not be able to attend his duty sincerely. Even in his show cause the deceased Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the deceased Petitioner. When the deceased Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, the authority should have considered his case while imposing capital punishment. The authority has not considered any of the submissions of the deceased Petitioner, and has given capital punishment to the deceased Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

9. On the other hand, the Learned Counsel appearing on behalf of the Respondents argued that when the deceased Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the deceased Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service.

10. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. But in the instant case, the deceased Petitioner joined in service in the year 1999 and in that year he had maintained 11 musters. Similarly, in the year 2000, he had maintained 60 musters out of 190 musters and in the year 2001 upto the month of June, he had maintained 24 musters only. No documents have been produced by the deceased Petitioner before the Enquiry Officer to show the reasons about his irregularities in duty and remained unauthorized absence. In fact, from the beginning of his service, the deceased Petitioner was found irregular in duty and remained absent unauthorizedly to his duties without any reasonable explanation. The deceased Petitioner claimed that due to the illness of his uncle and other family problems he could not be able to be regular in his duties and he has given his explanation to the above facts in the counter during the course of enquiry. But the Enquiry Officer did not consider his explanation and passed the order arbitrarily. The order passed by the Enquiry Officer is not a reasoned one. In fact from the beginning of his service the Petitioner was found irregular in his duties. But during the course of the enquiry the deceased Petitioner has admitted his unauthorized absence. The domestic enquiry conducted by the Respondent management has been held legal and valid by this court vide its order dated 26.6.2009. When the deceased Petitioner has not maintained 50% of the required musters in a year and was found unauthorizedly absent in duty, the Respondent management has passed the order of dismissal after conducting an enquiry. The Learned Counsel for the Petitioner workman submitted that during pendency of this proceeding the Petitioner died leaving behind his wife and daughter. Atleast the case of the deceased Petitioner should be considered sympathetically directing the Respondent management to absorb any of the legal representatives of the deceased Petitioner as an employee. As soon after the death of the deceased Petitioner his family has been destroyed.

11. On the other hand, the Learned Counsel for the Respondent submitted that, considering all the aspects the impugned order has been passed by the Respondent management which needs no interference. In support of his contention he relied on a decision of the Hon'ble apex Court decided in the case of State of U.P. and others Vs. Ashok Kumar Singh and another reported in 1996(1) ACC 392 wherein their Lordships held that, "having noticed the fact that the first Respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observations that "His absence from duty would not amount to such a grave charge." Even otherwise, on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that "the punishment does not commensurate with the gravity of the charge" especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out." And ultimately the Hon'ble Supreme Court allowed the appeal. Relying on the above decision the Learned Counsel for the Respondent management submitted that in view of the decision of the Apex Court, the punishment awarded by the Respondent needs no interference.

12. Admittedly, from the beginning of service, the deceased Petitioner was a habitual absentee. He failed to maintain 50% of the required musters in a year. No document has been proved from the side of the deceased Petitioner about his unauthorized absence. If one unauthorized absenteeism will be encouraged to be reinstated into service, it will be difficult for the management to control the organization. Therefore, the punishment given by the Respondent management is found legal and valid and it needs no interference.

Thus, Point No.I is answered accordingly.

13. **Point Nos. II & III:** In view of the findings given in Point No.I, the Petitioners are not entitled to get any relief.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. RG.I/PER/S/46/5462 dated 21.9.2008 issued by the Respondents' Company terminating Late G. Sheshadri is legal and justified. Hence, the legal representatives of the deceased Petitioner are not entitled to get any relief. Under the circumstances, there is no order as to costs. Petition is dismissed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 28th day of the November, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 जनवरी, 2019

का.आ. 137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सिंगारेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण — सह-श्रम न्यायालय, हैदराबाद, के पंचाट (संदर्भ संख्या एलसी 79/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 31.12.2018 को प्राप्त हुआ था।

[सं. एल-22013/01/2019-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th January, 2019

S.O. 137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. LC 79/2008) of the Cent. Govt. Indus. Tribunal-cum-Labour Court, Hyderabad as shown in the Annexure, in the industrial dispute between the management of M/s. Singareni Collieries Company Ltd., and their workmen, received by the Central Government on 31.12.2018.

[No. L-22013/01/2019 – IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD**

Present: Sri Muralidhar Pradhan, Presiding Officer

Dated the 14th day of November, 2018

INDUSTRIAL DISPUTE L.C.No. 79/2008**Between:**

Sri Sangam Ellaiah,
S/o Rajaiah,
C/o Smt. A. Sarojana,
Advocate, Flat No.G7,
Rajeshwari Gayatri Sadan,
Opp: Badruka Jr. College for Girls,
Kachiguda, Hyderabad .

...Petitioner

AND

1. The General Manager,
M/s. Singareni Collieries Company Ltd.,
Bellampally (P), Bellampally, Adilabad District.
3. The Superintendent of Mines,,
M/s. Singareni Collieries Company Ltd.,
MVK-5 Incline,
Bellampalli, Adilabad District.

...Respondents

Appearances:

For the Petitioner : M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent : M/s. P.A.V.V.S. Sarma & Vijaya Laxmi Panguluri, Advocates

AWARD

Sri Sangam Ellaiah who worked as Badli Filler (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents M/s. Singareni Collieries Company Ltd., seeking for declaring the proceeding No. P.BPA/129/3361 dated 11.9.2001 issued by Respondent No.1 as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

2. The averments made in the petition in brief are as follows:

The Petitioner was appointed as Badli Filler in 1988 and later confirmed as Coal Filler. He was regular to his duties till the year 1997. It is submitted that during the year 1999, the Petitioner suffered with ulcer and other family problems. While the matters stood thus, charge sheet dated 21.7.1998 was issued to the Petitioner by the Respondents alleging that the Petitioner absented for duty during the period the year 1997, which amounts to misconduct under company's Standing Order No.25.25. The Petitioner submitted his explanation to the charge sheet which was not considered by the Respondents' management. Subsequently, one inquiry was conducted and during the time of the enquiry, the Petitioner was not given any opportunity much less valid in nature to put forth his grievances. Basing on such lopsided enquiry, the Enquiry Officer held the charges as proved and basing on the erroneous findings of the Enquiry Officer, the Petitioner was dismissed from service vide order dated 11.9.2001 with effect from 17.9.2001. It is stated that during the course of the enquiry the Petitioner has categorically stated about his inability to perform his duties regularly during the above said period as it was only on account of his ill-health and other family problems. But without considering any of his submissions, the Petitioner was dismissed from service. It is also stated that the action of the Respondents management in dismissing the Petitioner from service is wholly illegal, arbitrary, violative of the principles of natural justice. The Petitioner has rendered 13 years of continuous service in the Respondents' management. The Petitioner approached the Respondents to consider his case sympathetically, but the management did not pay any heed to it. Therefore, the Petitioner was constrained to approach this Tribunal to declare the impugned order dated 11.9.2001 issued by the Respondents is illegal and arbitrary and to set aside the same and consequently to direct the Respondents to reinstate the Petitioner into service duly granting all other attendant benefits such as continuity of service, back wages etc..

3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:

In the counter the Respondents while admitting some of the factual aspects to be true, stated that the Petitioner was appointed in the Respondents' company on 2.3.1988 as Floating Badli Filler and subsequently he was drafted as Coal Filler w.e.f. 1.1.1995. He was charge sheeted for habitual absenteeism during the year 1997 and he was dismissed from service on proved charges of absenteeism, after conducting a detailed domestic enquiry duly following the principles of natural justice. The Petitioner has attended the dates fixed for the enquiry fixed and had fully participated in the enquiry. He was given full, fair and reasonable opportunity to defend himself in the enquiry. The enquiry was conducted purely following the principles of natural justice. It is stated that basing on the evidence adduced before the Enquiry Officer, he submitted his report holding the charges levelled against the Petitioner was proved. A copy of the enquiry report and the enquiry proceeding was sent to the Petitioner by way of show cause notice giving him an opportunity to make representation against the findings of the enquiry report; since the charge levelled against the Petitioner is proved and it was serious in nature, punishment warranted was dismissal from service. The Disciplinary Authority has gone through the enquiry proceeding and his past record and found that there was no extenuating circumstances to take a lenient view and lastly, the Respondents were constrained to dismiss the Petitioner from service. It is stated that in fact the Petitioner was irregular to his duties and he did not improve his attendance even after issuing charge sheet to him, and after receiving the show cause notice. It is further stated that the punishment imposed on the Petitioner is justified and legal and as such the claim petition is liable to be dismissed in limini.

4. In view of the memo filed by the Learned Counsel for the Petitioner conceding the legality and validity of the domestic enquiry conducted in the present case, the domestic enquiry conducted by the Respondents is held as legal and valid vide order dated 15.6.2010.

5. Both the parties have advanced their arguments under Sec.11(A) of the Industrial Disputes Act, 1947, in support of their claim.

6. In view of the above facts, the points for determination are:

- I. Whether the action of the management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of dismissal from service to Sri Sangam Ellaiah is legal and justified?
- II. Whether the Petitioner is entitled for reinstatement into service?
- III. If not, to what other relief he is entitled?

7. **Point No.I:** During the course of argument, the Learned Counsel appearing on behalf of the Petitioner submitted that due to his illness, the Petitioner could not be able to attend his duty sincerely. Even in his show cause the Petitioner has mentioned the above fact, but it has not been considered during the course of the enquiry and on account of absenteeism capital punishment of dismissal from service was imposed on the Petitioner. When the Petitioner has taken a stand that due to his illness, and other family problems he could not be able to attend his duties regularly and remained absent, one reason order is required to be passed and the authority should have considered his case while imposing punishment. The authority has not considered any of the submissions of the Petitioner, and has given capital punishment to the Petitioner when several modes of punishment are enumerated in the company's Standing Orders.

8. On the other hand, the Learned Counsel appearing on behalf of the Respondents submitted that when the Petitioner was a chronic absentee and was found guilty in the charges levelled against him, the punishment imposed by the Respondents' company is legal and proper. When the Petitioner was not sincere in his duty and failed to maintain minimum musters in a year he is not entitled to be reinstated in service and also the punishment imposed by the Respondents needs no interference.

9. Admittedly, working in the Mines is hazardous and remaining absent is not unusual. In this case, due to his illness, and other family problems, the Petitioner could not be able to be regular in his duty, the Petitioner has remained absent in his duties and a proceeding was initiated against him for his absenteeism followed by an enquiry. In the enquiry, the charges levelled against the Petitioner were proved. For this, capital punishment was imposed. After dismissal of service, the Petitioner has become jobless and unable to provide a square meal to his family members. He has already realised his mistake and has taken shelter in the court at the age of 40 years, he is now aged about 50 years and is searching ways and means to provide bread and butter to his family members. When the Petitioner being an able bodied and energetic man has already realised his mistake and is coming forward to work under the Respondents, atleast one chance should be given to him for his reinstatement into service. Admittedly several modes of punishment are enumerated in company's Standing Orders. Though the Petitioner is a first offender but has worked for about 13 years under the Respondents. While imposing capital punishment to his employees, the management should think of the condition of the workers as well as his family members. In this case, the punishment imposed by the Respondents for dismissal of service is too harsh. Therefore, it can safely be stated that the action taken by the management in imposing the punishment of dismissal from service to Sri Sangam Ellaiah is not legal and justified.

Thus, Point No.I is answered accordingly.

10. **Point Nos. II & III:** In Point No.I, it has already been discussed that the punishment of dismissal from service to Sri Sangam Ellaiah is not legal and justified. After dismissal of service as stated earlier, when the Petitioner has already realised his mistake and has come to the court with a prayer for reinstatement into service he should be given a chance to serve for his family members. After dismissal of service the Petitioner has become jobless and he being the sole bread earner of his family, is unable to provide a square meal to his family members. In such a circumstances atleast the Petitioner should be given a chance to maintain his livelihood and to work under the Respondents' management. But in this case, the Petitioner has not come to the court soon after his dismissal of service. Therefore, in the opinion of this Tribunal the Petitioner is not entitled to get all the relief as claimed in his claim petition. But he is only entitled to be given a chance to work in the Respondents' management.

Thus, Point Nos. II & III are answered accordingly.

ORDER

Proceeding No. P.BPA/129/3361 dated 11.9.2001 issued by Respondent Company is declared as illegal and is hereby set aside. It is ordered that the workman Sri Sangam Ellaiah be taken into service as a fresh employee i.e., a Badli Filler, Cat.I, on initial basic pay without back wages and continuity of service, subject to medical fitness by the company Medical Board and the workman be kept under probation for a period of one year. The management is also directed to take an undertaking of good behaviour from the workman at the time of his posting.

The Workman can not claim for his posting in the same place, where he was last employed. The workman shall have to maintain either minimum mandatory 20 musters every month or 190 musters in a year and the management shall have the right to review the work of the workman in every three months. In the event of any short fall of attendance during the period of the three months, the service of the workman will not be terminated and he will be cautioned to improve his performance by issuing him a warning letter. However, in the event of any shortfall of attendance during one year of service of the workman, he will be terminated from service without any further notice and enquiry, and in case the workman completes the one year probation period successfully he will continue in service till the age of attaining his superannuation. The management shall consider any forced absenteeism on account of Mine accidents/ Natural disasters, taking treatment in the company's hospital, as attendance. All other usual terms and

conditions of appointment will be applicable i.e., transfer, hours of work, day of rest, holidays etc.. to the workman for appointment afresh.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 14th day of November, 2018.

MURALIDHAR PRADHAN, Presiding Officer

Appendix of evidence

Witnesses examined for the Petitioner

NIL

Witnesses examined for the Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 9 जनवरी, 2019

का.आ. 138.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंध तंत्र के सबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 900/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.01.2019 प्राप्त हुआ था।

[सं एल -12012/416/2000. आई आर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 138.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 900/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 09.01.2019.

[No. L-12012/416/2000- IR(B-1)]

B.S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 05th December, 2018

Reference: (CGITA) No. 900/2004

The General Manager,
State Bank of Saurashtra (Now State Bank of India),
Head Office, Neelambaug Chowk,
Bhavnagar (Gujarat) – 364001

...First Party

V/s

Shri Bakulbhai Maganlal Parmar,
C/o Shri Pradip Thakker,
Shramik Sangh, 115, Kaveri Corporation, Navapara,
Bhavnagar (Gujarat) – 364001

...Second Party

For the First Party : Shri J.D. Chalishajar
For the Second Party : Shri Brijesh Acharya

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/416/2000–IR(B-I) dated 11.01.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

“Whether the action of the management of the State Bank of Saurashtra in terminating the services of Shri Bakulbhai M. Parmar w.e.f. 13.05.2000 is justified? If not, to what relief the workman is entitled?”

1. The reference dates back to 11.01.2001 and received on 02.01.2001 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. The second party workman Bakul Maganlal Parmar and first party State Bank of India, Neelam Baug, Bhavnagar have jointly submitted an application Ex. 28 for taking the matter today on board and also submitted a settlement Ex. 29 stating that the matter has been settled between the parties and the aforesaid second party workman Bakul Maganlal Parmar has been paid Rs.185000/- (Rupees One Lac Eighty Five Thousand) vide Demand Draft No. 483774 dated 26.11.2018 and also Shri Brijesh Acharya, advocate for the second party workman has been paid Rs.15000/- (Rupees Fifteen Thousand) vide Demand Draft No. 483775 dated 26.11.2018. The settlement Ex. 29 filed by the parties has been read over to both the parties present in person and they agreed to the terms of settlement. Hence the settlement Ex. 29 is accepted. Nothing has remained unsettled between the parties.
3. Thus the reference is finally disposed of in the light of the settlement Ex. 29. The award is passed accordingly. The settlement Ex. 29 shall remain part of the award.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का.आ. 139.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 153/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.01.2019 प्राप्त हुआ था।

[सं. एल-41011/54/2012. आई आर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 139.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 153/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 09.01.2019.

[No. L-41011/54/2012– IR(B-1)]
B.S. BISHT, Under Secy.

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th December, 2018

Reference: (CGITA) No. 153/2012

1. The Divisional Railway Manager,
Western Railway,
Near Chamunda Bridge, Asarwa,
Ahmedabad (Gujarat)
2. The General Manager,
Western Railway, Churchgate,
Mumbai

...First Parties

V/s

The President,
Paschim Railway Karmachari Parishad,
28/B, Narayan Park,
Behind Chandkheda Railway Station, Sabarmati,
Ahmedabad (Gujarat) – 380001

...Second Party

For the First Parties : Shri N. S. Vaghela
For the Second Party : Shri R.S. Sisodiya (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/54/2012-IR(B-I) dated 08.10.2012 referred the dispute for adjudication to the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union, Paschim Railway Karmachari Parishad, Ahmedabad for promotion of Shri Gamjibhai M. Baria to the post of JE-II (C&W) being at Serial No. 4 in the list of 18 qualified employees is legal and justified? To what relief the workman is entitled?”

1. The reference dates back to 08.10.2012 and received on 29.10.2012 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. In response to the notice, the first party submitted the written statement Ex. 5 on 24.07.2014 and the second party submitted the statement of claim Ex. 7 on 01.02.2013. The second party also submitted the affidavit Ex. 8 of Gamjibhai M. Baria.
3. The case was fixed for cross-examination of the second party but today on 06.12.2018, Shri R.S. Sisodiya stated in writing that he does not want to press the case.
4. Thus the reference is disposed of as not pressed.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का.आ. 140.—औद्योगिक विवाद अधिनियम, 1947 का 14 की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 1462/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.01.2019 प्राप्त हुआ था।

[सं. एल-41012/127/2002-आई आर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 140.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1462/2004) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 09.01.2019.

[No. L-41012/127/2002– IR(B-1)]
B.S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 06th December, 2018

Reference: (CGITA) No. 1462/2004

1. The General Manager,
Western Railway, Churchgate, Mumbai
2. The Divisional Railway Manager (E),
Western Railway,
Division Office, Kothi Compound, Rajkot (Gujarat)
3. The Chief Wagon Supervisor (MG),
Western Railway, Sabarmati,
Ahmedabad (Gujarat)

...First Parties

V/s

The Organising Secretary,
Association of Railway and Post Employees,
15, Shashi Apartment, Near Anjalee Cinema, Vasna Road,
Ahmedabad (Gujarat) – 380001

...Second Party

For the First Parties : Shri H.R. Raval
For the Second Party : Shri Chintan Gohel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41012/127/2002–IR(B-I) dated 30.09.2004 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Divisional Railway Manager (E), Western Railway, Rajkot/Chief Wagon Supervisor (MG), Western Railway, Sabarmati, Ahmedabad in awarding “compulsory retirement” to Shri Bhikhabhai Tulsibhai Purabia, Khalasi, is justified? If not, what relief the concerned workman is entitled for?”

1. The reference dates back to 30.09.2004 and received on 14.10.2004 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. In response to the notice, the second party submitted the statement of claim Ex. 7 on 22.12.2015 along with number of documents vide list Ex. 8 and the first party submitted the written statement Ex. 11 on 22.03.2018.
3. The case was fixed for evidence of the second party but today on 06.12.2018, Shri Chintan Gohel stated in writing that the workman is not in his contact. He tried to contact him through letters but to no result.
4. Thus it appears that the second party workman is not willing to prosecute the reference.

5. Thus the reference is disposed of in non-prosecution of the case by the second party workman with the observation as under: “the action of the management of Divisional Railway Manager (E), Western Railway, Rajkot/Chief Wagon Supervisor (MG), Western Railway, Sabarmati, Ahmedabad in awarding “compulsory retirement” to Shri Bhikhabhai Tulsibhai Purabia, Khalasi, is justified.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का.आ. 141.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इरकॉन इंटरनेशनल लिमिटेड प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 121/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को

09.01.2019 प्राप्त हुआ था।

[सं. एल-41011/45/2012-आई आर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 141.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 121/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of M/s IRCON International Ltd. and their workmen, received by the Central Government on 09.01.2019.

[No. L-41011/45/2012- IR(B-1)]

B.S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 12th December, 2018

Reference: (CGITA) No. 121/2012

The Managing Director,
M/s IRCON International Ltd.,
C.4. District Centre, Saket,
New Delhi – 110017

...First Party

V/s

The President,
Railway Retired Employees Association,
D-29, Anandnagar, Near Science College,
Godhra (Gujarat) - 389001

...Second Party

For the First Party : Shri P.M. Rami
For the Second Party : Shri Nawnit Taneja

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/45/2012-IR(B-I) dated 21.08.2012 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union, Railways Retired Employees Association, to make payment @ 225 Iraqi Dinars per month instead of 180 Iraqi Dinars, to Shri Kishorilal Mehandiratta, who was deputed to Iraq in the

year 1982 by M/s IRCON International Ltd, is legal and justified? To what relief the workman Shri Kishorilal Mehendiratta is entitled?"

1. The reference dates back to 21.08.2012 and received on 03.09.2012 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. After issuing notice to both the parties, the second party submitted the vakalatpatra Ex. 5 of Shri Nawnit Taneja and statement of claim Ex. 6 on 01.12.2013 along with number of documents vide list Ex.6/1 to 6/7. The first party submitted the vakalatpatra Ex. 7 of Shri P.M. Rami on 13.06.2013 and written statement Ex. 9 on 04.04.2014.
3. The learned counsel for the second party workman has stated that the second party workman is ill, physically handicapped and is not able to come to contest the case. Therefore, no oral evidence can be given in support of statement of claim.
4. Thus in the absence of the evidence, the reference is disposed of with the observation as under: "the demand of the union, Railways Retired Employees Association, to make payment @ 225 Iraqi Dinars per month instead of 180 Iraqi Dinars, to Shri Kishorilal Mehendiratta, who was deputed to Iraq in the year 1982 by M/s IRCON International Ltd., is illegal and unjustified."

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का.आ. 142.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे प्रबंधतंत्र के सबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 35/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.01.2019 प्राप्त हुआ था।

[सं. एल-41011/17/2015-आई आर (बी-1)]
बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 142.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway and their workmen, received by the Central Government on 09.01.2019.

[No. L-41011/17/2015- IR(B-1)]
B.S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 13th December, 2018

Reference: (CGITA) No. 35/2015

1. The Divisional Railway Manager,
Western Railway,
Rajkot (Gujarat)
2. The General Manager,
Western Railway, Churchgate,
Mumbai – 400020

...First Parties

V/s

The General Secretary,
Paschim Railway Karmachari Parishad,
28/B, Narayan Park,
Behind Chandkheda Railway Station, Sabarmati,
Ahmedabad (Gujarat) – 382470

...Second Party

For the First Parties : Shri H.R. Raval
For the Second Party : Shri R.S. Sisodiya (Union Representative)

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-41011/17/2015-IR(B-I) dated 16.04.2015 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Western Railway, Rajkot in imposing penalties on Shri Ramesh Singh D., SE(W) MVI with mala fide intention and without following the principles of natural justice is just, fair and legal? If so, to what relief the concerned workman Shri Ramesh Singh D. is entitled?”

1. The reference dates back to 16.04.2015 and received on 28.04.2015 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. In response to the notice issued to the parties, the second party submitted the statement of claim Ex. 3 on 10.02.2016 and the first party submitted the vakalatpatra Ex. 6 of Shri H.R. Raval along with written statement Ex. 7 on 09.02.2018.
3. The case was fixed for evidence of the second party but today on 13.12.2018, Shri R.S. Sisodiya, The General Secretary, Paschim Railway Karmachari Parishad, 28/B, Narayan Park, Behind Chandkheda Railway Station, Sabarmati, Ahmedabad stated in writing that he wants to withdraw the case.
4. Thus the reference is disposed of as withdrawn.

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का.आ. 143.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 27/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.01.2019 प्राप्त हुआ था।

[सं. एल-12011/12/2016-आई आर (बी-1)]
बी. एस. बिष्ट. अवर सचिव

New Delhi, the 9th January, 2019

S.O. 143.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court* Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 09.01.2019.

[No. L-12011/12/2016- IR(B-1)]
B.S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT cum Labour Court,
Ahmedabad,
Dated 20th December, 2018

Reference: (CGITA) No. 27/2017

The Branch Manager,
State Bank of India,
Vadia Branch, Vadia,
Amreli (Gujarat)

... First Party

V/s

Shri Dineshbhai Nathabhai Vaghela,
At. Wadiya, Old Police Line, Taluka Vagsara,
Amreli (Gujarat)

...Second Party

For the First Party : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/12/2016–IR(B-I) dated 22.03.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of SBI Vadia Branch, Amreli to terminate the services of Shri Dinesh Nathabhai Vaghela without following the disciplinary proceeding is justified? If not, what relief the said workman is entitled to?”

1. The reference dates back to 22.03.2017 and received on 11.04.2017 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. Both the parties issued notice Ex. 2 on 08.05.2018 to appear on 12.06.2018 for to submit their claims. Acknowledgements of receipt of notice also received from both the parties vide Ex. 3 and 4 respectively. But despite service of notice, the second party workman did not prefer to submit statement of claim. After that, 4 more opportunities were given to the second party workman to submit his statement of claim but to no result.
3. Thus it appears that the second party workman is not willing to prosecute the case.
4. Therefore, the reference is disposed of in the absence of the statement of claim of the second party workman with the observation as under: “the action of the management of SBI Vadia Branch, Amreli to terminate the services of Shri Dinesh Nathabhai Vaghela without following the disciplinary proceeding is justified.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का.आ. 144.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आईडीबीआई बैंक लिमिटेड प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ सं. 44/2017) को प्रकाशित करती है, जो केन्द्रीय सरकार को 09.02.2019 को प्राप्त हुए थे।

[सं. एल-12012/07/2017-आईआर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 144.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 44/2017) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of IDBI Bank Ltd and their workmen, received by the Central Government on 09/01/2019.

[No. L-12012/05/2017– IR(B-1)]

B.S. BISHT, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 20th December, 2018

Reference: (CGITA) No- 44/2017

1. The Director,
IDBI Intech Ltd., IDBI Building,
Ground Floor, Plot No. 39/40/41, Sector 11, CBD Belapur, Navi Mumbai,
Mumbai – 400614
2. The General Manager,
IDBI Bank Ltd., IDBI Complex, C.G. Road,
Near Lal Bungalow, Opp. Municipal Office Quarters,
Ahmedabad (Gujarat) – 380009

...First Parties

V/s

Shri Piyushkumar B. Modi,
55/13, Shyam Society, At and PO Mansa,
Gandhinagar (Gujarat)

...Second Party

For the First Parties : None
For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/05/2017–IR(B-I) dated 09.05.2017 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of Director, IDBI Intech Ltd., Mumbai working under General Manager, IDBI Bank Ltd., Ahmedabad in terminating the services of sales executive Shri Piyushkumar B. Modi, Ahmedabad is legal and justified? If not, then what relief Shri Piyushkumar B. Modi, workman is entitled to?”

1. The reference dates back to 09.05.2017 and received on 30.05.2017 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. All the parties issued notice Ex. 3 on 10.05.2018 to appear on 12.06.2018 for to submit their claims. Acknowledgements of receipt of notice also received from the second party and first party no. 2 vide Ex. 4 and 5 respectively. But despite service of notice, the second party union or its workman did not prefer to submit statement of claim. After that, 4 more opportunities were given to the second party union and its workman to submit the statement of claim but to no result.
3. Thus it appears that the second party union or its workman is not willing to prosecute the case.
4. Therefore, the reference is disposed of in the absence of the statement of claim of the second party union or its workman with the observation as under: “the action of Director, IDBI Intech Ltd., Mumbai working under General Manager, IDBI Bank Ltd., Ahmedabad in terminating the services of sales executive Shri Piyushkumar B. Modi, Ahmedabad is legal and justified.”

P.K. CHATURVEDI, Presiding Officer

नई दिल्ली, 9 जनवरी, 2019

का. आ. 145.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण अहमदाबाद के पंचाट (संदर्भ संख्या 85/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 9.01.2019 प्राप्त हुआ था।

[सं. एल-12012/258/97-आई आर (बी-1)]

बी. एस. बिष्ट, अवर सचिव

New Delhi, the 9th January, 2019

S.O. 145.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 85/2004) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 09.01.2019.

[No. L-12012/258/97- IR(B-1)]

B.S. BISHT, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present : Pramod Kumar Chaturvedi, Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,
Dated 05th December, 2018

Reference: (CGITA) No. 85/2004

1. The Assistant Personnel Manager,
State Bank of Saurashtra (Now State Bank of India),
New Administrative Building, Neelambaug Chowk,
Bhavnagar (Gujarat) – 364001
2. The Manager,
State Bank of Saurashtra (Now State Bank of India),
Naroda Road Branch, Naroda,
Ahmedabad (Gujarat) – 380001

...First Parties

V/s

Shri Haribhai M. Vanzara,
Shaktinagar Na Chhapra, Shaktinagar,
Premnagar, Naroda Road,
Ahmedabad (Gujarat) – 380001

...Second Party

For the First Party : Shri J.D. Chalishajar
For the Second Party : Shri Prabhatsinh Parmar

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/258/97-IR (B-I) dated 05.06.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of the State Bank of Saurashtra, Naroda Road Branch, Ahmedabad in discontinuing the services of Shri Haribhai Merambhai Vanzara w.e.f. 01.01.1994 without assigning any reason is justified? If not, what relief the workman is entitled to?”

1. The reference dates back to 05.06.1998 and received on 16.06.1998 from Ministry of Labour and Employment, New Delhi for adjudication and passing the award.
2. The second party workman Haribhai Mehrabhai Vanzara and first party State Bank of India, Nadiad Road, Ahmedabad have jointly submitted an application Ex. 62 for taking the matter today on board and also submitted a settlement Ex. 63 stating that the matter has been settled between the parties and the aforesaid

second party workman Haribhai Mehrabhai Vanzara has been paid Rs.50000/- (Rupees Fifty Thousand) vide Demand Draft No. 435012 dated 23.11.2018 and also Shri Prabhatsinh Parmar, advocate for the second party workman has been paid Rs.10000/- (Rupees Ten Thousand) vide Demand Draft No. 435013 dated 23.11.2018. The settlement Ex. 63 filed by the parties has been read over to both the parties present in person and they agreed to the terms of settlement. Hence the settlement Ex. 63 is accepted. Nothing has remained unsettled between the parties.

3. Thus the reference is finally disposed of in the light of the settlement Ex. 63. The award is passed accordingly. The settlement Ex. 63 shall remain part of the award.

P.K. CHATURVEDI, Presiding Officer

शुद्धिपत्र

नई दिल्ली, 10 जनवरी, 2019

का.आ. 146.—औद्योगिक विवाद अधिनियम, 1947 (1947 की 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ईस्टर्न कोलफील्ड लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम मंत्रालय आसनसोल के पंचाट (संदर्भ सं. 106/1999) में केन्द्र सरकार ने श्रम और रोजगार मंत्रालय की अधिसूचना संख्या एस. ओ. 2172 दिनांक 21 अक्टूबर, 2016, में संशोधन कर, "संख्या एल-22012/313/2004-आई.आर.(सी.एम. 2)" के स्थान पर "संख्या एल-22012/89/1999-आई.आर. (सी.एम. 2)" पढ़ा जाए।

पाद टिप्पणी—मूल अधिसूचना भारत सरकार के साप्ताहिक राजपत्र भाग II, खंड 3, उप-खंड (ii) में अधिसूचना संख्यांक का.आ. 2172 दिनांक 21 अक्टूबर, 2016 द्वारा प्रकाशित की गई थी।

[सं. एल-22012/89/1999-आईआर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

CORRIGENDUM

New Delhi, the 10th January, 2019

S.O. 146.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby make the amendments in the notification of the Government of India in the Ministry of Labour and Employment, number S.O.2172 dated the 21st October, 2016 relating to the Award (Ref. No. 106/1999) of the Central Government Industrial Tribunal-cum-Labour Court, ASANSOL, in the industrial dispute between the management of M/s Eastern Coalfields Limited, and their workmen, for No. L-22012/313/2004-IR (CM-II) read "No. L-22012/89/1999-IR (CM-II)"

Foot note: The Principal notification was published in PART- II, SECTION- 3, SUB-SECTION (ii) of the Gazette of India vide notification number S.O.2172 dated the 21st October, 2016.

[No. L-22012/89/1999-IR(CM-II)]

RAJENDER SINGH, Section Officer